INFORMATION COLLECTION
SUPPORTING JUSTIFICATION
TRACK SAFETY STANDARDS
OMB NO. 2130-0010

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.

Summary

- This final rule information collection submission is a revision to the previously approved Final Rule submission cleared by OMB on January 22, 2007.

- FRA published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** regarding its Track Safety Standards; Continuous Welded Rail (CWR) on December 1, 2008. See 73 FR 73078. For the NPRM paperwork submission, OMB commented that the terms of the previous clearance (Jan. 22, 2007 with 1,704,644 hours in inventory) remained in effect until January 31, 2010. This submission includes new paperwork requirements and associated burden specified under § 213.7(c), § 213.118(a)-(c), § 213.118(d), § 213.118(e), § 213.119(i), and § 213.119(k). (*See number 15 below for details*).

- The total number of burden hours requested for this submission is **1,957,297 hours.**

- The increase in burden from the last approved submission is **253,283 hours**.

- Total **program changes** amount to/increased the burden by **259,194 hours**.

- Total **adjustments** decreased the burden by **5,911 hours**.

- **The answer to question **number 12** itemizes the hourly burden associated with each requirement of this rule (See pp. 21-63).

The answer to question **number 15 itemizes all adjustments and program changes.

Continuous Welded Rail (CWR) refers to the way in which rail joint is joined together to form track. In CWR, rails are welded together to form one continuous rail that may be several miles long. Although CWR is normally one continuous rail, there can be joints in it for one or more reasons: the need for insulated joints that electrically separate track

segments for signaling purposes, the need to terminate CWR installations at a segment of jointed rail, or the need to remove and replace a section of defective rail. (*Note*: *Rail joints commonly consist of two joint bars that are bolted to the sides of two abutting ends of rail and contact the rail at the bottom surface of the rail head and the top surface of the rail base*).

FRA issued the first Federal Track Safety Standards in 1971. *See* 36 FR 20336. At that time, FRA addressed CWR in a rather general manner, stating, in § 213.119, that railroads must install CWR at a rail temperature that prevents lateral displacement of track or pull-aparts of rail ends and that CWR should not be disturbed at rail temperatures higher than the installation or adjusted installation temperature. In 1982, FRA removed § 213.119 because FRA believed it was so general in nature that it provided little guidance to railroads and it was difficult to enforce. *See* 47 FR 7275 (February 18, 1982) and 47 FR 39398 (September 7, 1982). FRA stated: "While the importance of controlling thermal stresses within continuous welded rail has long been recognized, research has not advanced to the point where specific safety requirements can be established." 47 FR 7279. FRA explained that continuing research might produce reliable data in this area in the future.

Congressional interest in CWR developed. With passage of the Rail Safety Enforcement and Review Act of 1992 (Public Law 102-365, September 3, 1992), Congress required the Secretary of Transportation to evaluate procedures for installing and maintaining CWR and its attendant structure. In 1994, Congress further directed the Secretary to evaluate cold weather installation procedures for CWR with passage of the Federal Railroad Safety Reauthorization Act (Public Law 103-440, Nov. 2, 1994), codified at 49 U.S.C. 20142. As delegated by the Secretary, *see* 49 CFR 1.49(m), FRA evaluated those procedures in connection with information gathered from the industry, and FRA's own research and development activities. FRA then addressed CWR procedures by adding § 213.119 in its 1998 revision of the Track Safety Standards. See 63 FR 33992 (June 22, 1998). Section 213.119, as added in 1998, requires railroads to develop and submit to FRA written CWR plans containing procedures that, at a minimum, provide for the installation, adjustment, maintenance, and inspection of CWR, as well as a training program and minimal recordkeeping requirements. Section 213.119 does not dictate which procedures a railroad must use in their CWR plans; however, it states that each track owner with track constructed of CWR must have in effect and comply with a plan that contains written procedures which address the installation, adjustment, maintenance, and inspection of CWR, the inspection of CWR joints, and a training program for the application of those procedures. It allows each railroad to develop and implement its individual CWR plan based on procedures which have proven effective for it over the years. The operative assumption was that geophysical conditions vary so widely among U.S. railroads that, in light of what was then known about CWR, CWR plans should vary to take account of them. Accordingly, procedures can vary from railroad to railroad.

On August 10, 2005, President Bush signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), (Public Law 109-59). Section 9005(a) of SAFETEA-LU amended 49 U.S.C. 20142 by adding a new subsection (e). This new subsection required that within 90 days after its enactment, FRA require (1) each track owner using CWR track to include procedures (in its procedures filed with FRA pursuant to ' 213.119) to improve the identification of cracks in rail joint bars; (2) instruct FRA track inspectors to obtain copies of the most recent CWR programs of each railroad within the inspectors= areas of responsibility and require that inspectors use those programs when conducting track inspections; and (3) establish a program to review CWR joint bar inspection data from railroads and FRA track inspectors periodically. This new subsection also provided that whenever FRA determines that it is necessary or appropriate, FRA may require railroads to increase the frequency of inspection, or improve the methods of inspection, of joint bars in CWR.

Pursuant to this mandate, on November 2, 2005, FRA revised the Track Safety Standards of 49 CFR Part 213 by publishing an Interim Final Rule (IFR), 70 FR 66288, which addressed the inspection of rail joints in CWR. FRA requested comments on the IFR and provided the Railroad Safety Advisory Committee (RSAC) with an opportunity to review the comments of the IFR. To facilitate this review, on February 22, 2006, RSAC established the Track Safety Standards Working Group (Working Group). The Working Group was given two tasks: (1) To resolve comments on the IFR, and (2) To make recommendations regarding FRA's role in oversight of CWR programs, including analyzing data to determine effective management of CWR safety by the railroads. The first task, referred to as "Phase I" of the CWR review, included analyzing the IFR on the inspection of joint bars in CWR territory, reviewing comments on the IFR, and developing recommendations for the final rule. With guidance from the Working Group, FRA published a final rule on October 11, 2006, 71 FR 59677, which addressed the comments on the IFR, adopted a portion of the IFR, and made changes to other portions. The final rule became effective October 31, 2006, and is codified at 49 CFR Part 213.

The Working Group then turned to the second task, referred to as "Phase II" of RSAC's referral, which involved an examination of all the requirements of § 213.119 concerning CWR – not focused only on those concerning joints in CWR. The Working Group reported its findings and recommendations to the RSAC at its February 22, 2008, meeting. RSAC approved the recommended consensus regulatory text proposed by the Working Group, which accounts for the majority of the Notice of Proposed Rulemaking (NPRM) that FRA published on December 1, 2008, at 73 FR 73078.

This final rule amends the Federal Track Safety Standards to promote the safety of railroad operations over continuous welded rail (CWR). In particular, FRA is promulgating specific requirements for the qualification of persons designated to inspect CWR track, or supervise the installation, adjustment, or maintenance of CWR track. FRA is also clarifying the procedures associated with the submission of CWR plans to FRA by track owners. The final rule specifies that these plans should add focus on

inspecting CWR for pull-apart prone conditions, and on CWR joint installation and maintenance procedures. This final rule will also make other changes to the requirements governing CWR.

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 new or additional information collected under § 213.7(c) will be used by FRA to ensure that individuals designated by railroads/track owners as qualified to inspect continuous welded rail (CWR) track or supervise the installation, adjustment, and maintenance of CWR track meet the criteria spelled-out in this section. Specifically, FRA inspectors will review these designations to ensure named individuals possess (1) current qualifications under either paragraphs (a) or (b) of this section; (2) have successfully completed a comprehensive training course specifically developed for the application of written CWR procedures issued by the track owner; (3) have demonstrated to the track owner that he/she knows and understands the requirements of the written CWR procedures, can detect deviations from those requirements, and can prescribe appropriate remedial action(s) to correct or safely compensate for those deviations; and (4) have written authorization from the track owner to prescribe remedial action(s) to correct or safely compensate for deviations from the requirements in the CWR procedures and successfully completed a recorded examination on the procedures as part of the qualification process

The new/additional information collected under § 213.118 and § 213.119 will be used by FRA to ensure that railroads/track owners develop and implement plans containing written procedures which address the installation, adjustment, maintenance and inspection of CWR, inspection of CWR joints, and a training program for the application of those procedures. Railroads/track owners must file their CWR plans with the FRA Associate Administrator for Safety not less than 30 days before implementing their plans. This includes submitting revisions to an existing CWR plan in order for changes to take effect under the regulation. FRA then will review these plans to ensure that railroads/track owners develop and implement written procedures which prescribe the scheduling and conduct of physical track inspections to detect cracks and other indications of incipient failures in joints in CWR. To ensure compliance with the requirements of this amended rule, FRA will confirm that railroads or track owners specify in their written procedures that all joints in CWR in the various track classes are inspected according to the schedule prescribed in § 213.119(h)(6)(i).

Also, FRA will verify that these written procedures address the conduct of inspections to detect cracks and other indications of potential failures in CWR joints and that these procedures address the following: (1) The inspection of joints and the track structure at joints, including, at a minimum, periodic on-foot inspections; (2) Identify joint bars with

visible or otherwise detectable cracks and conduct remedial action pursuant to § 213.121; (3) Specify the conditions of actual or potential joint failure for which personnel must inspect, including, at a minimum, the following items: (i) Loose, bent, or missing joint bolts; (ii) Rail end batter or mismatch that contributes to the instability of the joint; and (iii) Evidence of excessive longitudinal rail movement in or near the joint, including, but not limited to: wide rail gap, defective joint bolts, disturbed ballast, surface deviations, gap between tie plates and rail, or displaced rail anchors; (4) Specify the procedures for the inspection of CWR joints that are imbedded in highway-rail crossings or in other structures that prevent a complete inspection of the joint, including procedures for the removal from the joint of loose material or other temporary material; (5) Specify the appropriate corrective actions to be taken when personnel find conditions of actual or potential joint failure, including on-foot follow-up inspections to monitor conditions of potential joint failure in any period prior to completion of repairs; (6) Specify the timing of periodic inspections, which shall be based on the configuration and condition of the joint: (7) Specify the recordkeeping requirements related to joint bars in CWR

Additionally, in lieu of the requirements for the inspection of rail joints in § 213.119 (h)(1)-(h)(7), railroads/track owners may seek approval from FRA to use alternate procedures. Railroad/track owners must submit the proposed alternate procedures and a supporting statement of justification to the Associate Administrator for Safety. FRA will review these proposed alternate procedures to determine whether they provide an equivalent or higher level of safety than the requirements in paragraphs (h)(1) through (h)(7) of this section. If the Associate Administrator finds that the proposed alternate procedures provide an equivalent or higher level of safety than the requirements in paragraphs (h)(1) through (h)(7) of this section, the Associate Administrator will approve the alternate procedures by notifying the track owner in writing. The Associate Administrator will specify in the written notification the date on which the procedures will become effective and, after that date, the track owner must comply with the procedures. If the Associate Administrator determines that the alternate procedures do not provide an equivalent level of safety, the Associate Administrator will disapprove the alternate procedures in writing, and the track owner must continue to comply with the requirements in paragraphs (h)(1) and (h)(7) of this section. While a determination is pending with the Associate Administrator on a request submitted pursuant to paragraph (h)(8) of this section, the track owner must continue to comply with the requirements contained in paragraphs (h)(1) through (h)(7) of this section.

The Fracture Reports required under § 213.119(h)(7) are used by railroads to enhance rail safety by improving the identification of cracks in rail joint bars. Track owners must generate a Fracture Report for every cracked or broken CWR joint bar that the track owner discovers during the course of an inspection conducted pursuant to §§ 213.119(h), 213.233 or 213.35 on track that is required under § 213.119(h)(6)(i) to be inspected. The Fracture Report must be completed twice annually and must be prepared on the day the cracked or broken joint is discovered. The Fracture Reports are used by railroads to provide useful data regarding joint conditions that lead to joint bar failure and enable

railroads to take early preventive measures when these conditions are discovered. By taking early preventive measures to fix or replace joint cracks or broken bars, railroads can facilitate the smooth operation of their trains as well as reduce the number and severity of rail accidents.

FRA reviews Fracture Reports to ensure that railroads are conducting the required inspections and taking the necessary corrective actions once cracks and breaks are discovered. Fracture Reports provide FRA with additional insight into the effectiveness of the new inspection requirements. Because the inspection frequency was developed in part on modeling results, the Fracture Reports can be used by FRA to evaluate the reasonableness of model predictions. Certain data elements in the report can be used to estimate joint bar crack growth rates, which is crucial to determining proper inspection intervals. Based on the number of Fracture Reports submitted to the agency and the data they provide, FRA officials can assess the appropriateness of inspection intervals and make any necessary modifications.

Under § 213.119(j), track owners must prescribe and comply with recordkeeping requirements necessary to provide an adequate history of track constructed with continuous welded rail (CWR). FRA inspectors will review records of track constructed with CWR to ensure that these records include the following: (1) Rail temperature, location and date of CWR installations. These records must be kept for one year; (2) A record of any CWR installation or maintenance work that does not conform with the written procedures. Such record must include the location of the rail and be maintained until the CWR is brought into conformance with such procedures; and (3) Information on inspection of rail joints as specified in § 213.119(h) (7).

Railroad employees will use the new CWR procedures manuals required at every job site under § 213.119(k) as an educational and compliance tool to better understand and carry out their duties related to the installation, inspection, and maintenance of CWR track in accordance with their employer's/track owner's prescribed program. Each CWR procedures manual must contain a copy of the track owner's CWR procedures and all revisions, appendices, updates, and reference materials. Employees can readily consult these manuals to clarify any questions they may have regarding CWR track and to ensure that they are correctly carrying out the necessary procedures. Additionally, in the event of an accident/incident, the required CWR procedures manuals will provide another resource that FRA investigators can use in determining the cause(s) of the accident/incident. Agency investigators can review the CWR procedures manual to establish that they are complete and current, and can then compare actual employee actions related to CWR track to the prescribed procedures of the track owner's/railroad's CWR manual to ascertain whether railroad and Federal rules were complied with.

Regarding Gage Restraint Measurement Systems (GRMS), FRA uses the information collected to ascertain those line segments on which GRMS technology – supplemented by the use of Portable Track Loading Fixtures (PTLF) – needs to be implemented by

track owners. Specifically, FRA reviews the information to ensure that certain minimal data are provided by railroads, including the segment's timetable designation milepost limits, track class, million gross tons of traffic per year, and any other identifying characteristics of the segment. FRA uses the information provided to evaluate the appropriateness of implementing GRMS technology on a given segment of track. FRA uses the technical data provided to ensure that minimum GRMS design requirements have been met and that GRMS vehicles have been properly calibrated so that the integrity of the data they provide is maintained.

FRA also uses the information collected to ensure that track owners provide training in GRMS technology to all persons designated as fully qualified under § 213.7 and whose territories are subject to the requirements of this section. Additionally, FRA reviews GRMS training programs submitted by track owners to verify these programs address the following areas: (1) Basic GRMS procedures; (2) Interpretation and handling of exception reports generated by the GRMS vehicle; (3) Locating and verifying defects in the field; (4) Remedial action requirements; (5) Use and calibration of the PTLF; and (6) Recordkeeping requirements. Moreover, FRA reviews records of the two most recent GRMS inspections at locations meeting the requirements specified in section 213.241(b) of this Part to ascertain the location and nature of each First Level exception and the nature and date of initiated remedial action, if any, for each First Level exception identified.

Other Track Safety Information

Under § 213.4, FRA uses the information collected to ensure that railroads properly identify a segment(s) of track as excepted either in their timetables, special instructions, general orders, or other appropriate records. When a piece of track is designated excepted that is not listed in its timetables, a railroad will issue special instructions or a general order identifying the excepted track so that its employees know what procedures or practices to follow. Also, FRA uses the information collected to verify that the appropriate FRA Regional Office has been notified by the railroad, at least 10 days in advance, when a segment of track is removed from excepted status. Ensuring the safety of railroad employees, and the traveling public is FRA's paramount concern.

Under § 213.5, FRA uses the information collected to verify that the agency is properly informed in writing, at least 30 days in advance, when a track owner assigns responsibility for the track to another person by lease or otherwise. FRA reviews the notifications provided by railroads to make sure essential information is transmitted to the agency, including the following: (1) The name and address of the track owner; (2) The name and address of the person to whom responsibility is assigned (assignee); (3) A statement of the exact relationship between the track owner and the assignee; (4) A precise identification of the track; (5) A statement as to the competence and ability of the assignee to carry out the duties of the track owner under this part; and (6) A statement signed by the assignee acknowledging the assignment to him of responsibility for

purposes of compliance with this part. In order to carry out its many duties and to enforce compliance with this part, such information is critical to FRA and its inspectors. Under § 213.7, FRA reviews written records to ensure that qualified individuals are employed (designated) by railroads to inspect track for defects and to supervise restorations and renewals of track under traffic conditions. Such designated persons must have the following qualifications: (1) At least one (1) year of supervisory experience in railroad track maintenance; or a combination of supervisory experience in track maintenance and training from a course in track maintenance or from a college level educational program related to track maintenance; (2) Demonstrated to the track owner that he (i) knows and understands the requirements of this part; (ii) can detect deviations from those requirements; and (iii) can prescribe appropriate remedial action to correct or safely compensate for those deviations; and (3) Possesses written authorization from the track owner to prescribe remedial actions to correct or safely compensate for deviations from the requirements in this part.

Under § 213.17, FRA reviews exemption petitions to see if it is safe and in the public interest to grant exemptions from any or all requirements prescribed in this Part to a railroad.

Under § 213.57, FRA uses the information collected to ensure that the track owner notifies the agency at least 30 calendar days in advance before a proposed implementation of the higher curving speeds allowed under the formula specified in paragraph (c) of this section. This notification must be in writing and must contain, at a minimum, the following information: (i) A complete description of the class of equipment involved, including schematic diagrams of the suspension systems and the location of the center of gravity above top of rail; (ii) A complete description of the test procedure and instrumentation used to qualify the equipment and the maximum values for wheel unloading and roll angles which were observed during testing; (iii) Procedures or standards in effect which relate to the maintenance of the suspension system for the particular class of equipment; and (iv) Specific track locations where the higher curving speeds are proposed to be implemented.

Under § 213.241, track owners to which this part applies must keep a record of each inspection required to be performed on its track under this subpart. FRA reviews this information to ensure that track inspections are completed as required and to ensure that essential records are maintained and available to its inspectors so they can carry-out their duties. Federal and State investigators examine these inspection records to determine a railroad's compliance with the inspection frequency requirement of the Track Safety Standards and to verify that persons assigned to inspect tracks have been properly designated. By comparison of remedial action notations on the records with actual track conditions, it is possible for Federal and State investigators to judge the quality of railroad performed inspections. The railroads employ some 5,000 persons who are routinely engaged in track inspection, and careful review of these records may reveal weaknesses, if there are any, in the railroad's inspection and maintenance program or

discrepancies in employee designation. In particular, FRA reviews these records to ensure that they specify the date of inspection, the location and nature of any internal defects found, the remedial action(s) taken and the date thereof, and the location of any intervals of track not tested per § 213.237(d). The track owners must retain these records for at least two years after the inspection and for one year after remedial action is taken. In the event of an accident/incident, these records provide extremely valuable information, particularly if a problem with track caused the unfortunate event. The absence of these inspection records would substantially harm the Federal Government's railroad safety program.

Finally, railroads also use the information collected. Railroad companies initially use inspection reports/records to see that tracks are inspected periodically; that the inspectors are properly qualified; and the tracks are in safe condition for train operations. Additionally, railroad companies use these reports/records for maintenance planning, particularly where defective track is discovered and where repetitive unsafe conditions occur.

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 feasible, to reduce burden on respondents. Regarding the requirement involving CWR Joint Bar Fracture Reports stipulated under § 213.119(h)(7)(ii) in this rule, FRA proposes to give the track owner a variety of means for submitting these reports. The first option proposed is through an electronic data submission using eXtensible Markup Language (XML) format. The second option involves FRA developing a special web page from which railroads can register and receive credentials to access a web data entry form (with validation capabilities) to input individual Fracture Reports. FRA is also considering making available a formatted Excel spreadsheet into which railroads can input their Fracture Reports. This spreadsheet could be submitted via e-mail, electronic media, or uploaded to the FRA Office of Safety Analysis' website. As a final option, FRA plans to make available a printable version of the OMB approved Fracture Report form for download (once approval is obtained). More specific information regarding submission of Fracture Reports will be made available by on the Office of Safety Analysis' website at http://safetydata.fra.dot.gov

The Track Safety regulations permit great flexibility in the methods employed to establish employee qualifications and to determine track conditions, and only specify

information which must be contained in the records. The form of that record is discretionary and entities may use any medium capable of displaying information, including electronic recordkeeping.

The rule contains a provision for maintaining and retrieving electronic records of track inspections. Patterned after an experimental program successfully tried by the former Atchison Topeka & Santa Fe Railroad with oversight by FRA, the provision in subsections 213.119 and 213.241(e) allow each railroad to design its own electronic system as long as the system meets the specified criteria to safeguard the integrity and authenticity of each record. As a result of these two provisions, which are responsible for the great majority of the paperwork burden, approximately 88% of all responses may be collected electronically by railroads or track owners.

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.

Records of track inspection results describe a continuously changing condition at any given moment in time. Records of qualified track inspectors are unique to a specific railroad property, and no duplication of information exists. Consequently, there is no duplication of information because this information is new.

As noted previously, the information regarding GRMS systems involves a relatively new technology, and, therefore, there is no possibility of duplication.

The data collected under this final rule or 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.

The U.S. Small Business Administration (SBA) stipulates in its "Size Standards" that the largest a railroad business firm that is "for profit" may be, and still be classified as a "small entity" is 1,500 employees for "Line-Haul Operating Railroads," and 500 employees for "Switching and Terminal Establishments." "Small entity" is defined in the Act as a small business that is "independently owned and operated, and is not dominant in its field of operation." SBA's "size standards" may be altered by federal agencies after consultation with SBA and in conjunction with public comment. Pursuant to that authority, FRA has published a final policy that formally establishes "small entities" as railroads which meet the line haulage revenue requirements of a Class III railroad. The revenue requirements are currently $20 million or less in annual operating revenue. The $20 million limit (which is adjusted by applying the railroad revenue deflator adjustment)

is based on the Surface Transportation Board's (STB) threshold for a Class III carrier. FRA uses the same revenue dollar limit to determine whether a railroad or shipper or contractor is a small entity.

Approximately 200 small railroads have CWR and are affected by this final rule. Relatively few Class III railroads have CWR track. For the minority of Class III railroads that have CWR, the portion of their railroad which is CWR is more likely to be small. To the extent they have CWR track, Class III railroads are subject to most of the provisions in this final rule. Small railroads were consulted during the RSAC Working Group deliberations and their interests have been taken into consideration in this final rule.

It should be noted that FRA believes that there will **not** be significant economic impact on a substantial number of small entities as a result of this final rule.

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 the information were not collected or collected less frequently, rail safety in the United States would be seriously jeopardized. Specifically, there might be more derailments with corresponding injuries and fatalities to railroad personnel and passengers, as well as significant amounts of property damage, if FRA could not ensure that adequate procedures were in place to detect and correct defects in continuous welded rail (CWR) track, particularly regarding defects involving rail joints in CWR. Without this collection of information, there would be no way that FRA could ensure that railroads/track owners develop and implement plans containing procedures (or alternate procedures) which describe the scheduling and conduct of physical track inspections to detect cracks and other indications of incipient failure in CWR. Without such procedures, railroads would have no thorough and systematic way to examine CWR track and detect any of the following: (i) joint bars with visible or otherwise detectable cracks; (ii) loose, or bent, or missing joint bolts; (iii) rail end batter or mismatch that contributes to instability of the joint; and (iv) evidence of excessive longitudinal rail movement in or near the joint, including – but not limited to – wide rail gap, defective joint bolts, or displaced anchors. Such defects could lead to an increased number of derailments, with corresponding increased casualties, if left undiscovered and uncorrected.

Without the new information collected under § 213.7, § 213.118, and § 213.119, FRA would have no way to ensure that railroads have comprehensive CWR training programs and no way of knowing whether individuals designated by track owners to inspect CWR track or supervise the installation, adjustment, and maintenance of CWR track have completed the required comprehensive training course and are actually qualified to perform such duties. If unqualified individuals who had not completed the required CWR procedures recorded examinations and who had not received written authorization

from track owners to prescribe remedial actions were to carry out tasks related to the installation, adjustment, and maintenance of CWR track, there might be a greater number of accidents/incidents and corresponding injuries and fatalities because trains derailed as a result of incomplete or improper work.

Without this collection of information, FRA would have no way to ensure that periodic and follow-up inspections of CWR rail and CWR rail joints were actually performed. Without the required records mandated by § 213.119, FRA would have no way to verify whether all of the approximately 360,000 rail joints nationwide have been placed in the rail joint record inventory and periodically inspected to catch and correct defects before they lead to train accidents/incidents. Without these necessary records, FRA would lose an extremely valuable tool to ensure compliance with this regulation and FRA's overall safety program.

Without the Fracture Reports required § 213.119, FRA would have no means to monitor and evaluate whether railroads are carrying out the necessary follow-up CWR inspections and taking appropriate corrective actions when CWR joint cracks or broken joint bars are discovered. Also, without the data provided by these Fracture Reports, FRA would have no way to determine whether the inspection methods and inspection frequencies carried out by railroads/track owners are appropriate or should be varied. Presently, track owners must submit the information contained in the Fracture Reports to the Associate Administrator for Safety twice annually. Fracture Report data may cause FRA to change this frequency.

Without the new information collected under § 213.119(k) that requires CWR manuals containing the track owner's CWR procedures, all revisions, appendices, updates, and reference materials related thereto at ever job site where personnel are assigned to install, inspect, and maintain CWR, railroad supervisors and employees would be deprived of an essential and authoritative resource to answer questions, resolve problems, and clarify proper procedures to ensure that all CWR work is done completely and correctly. Without these completely current CWR procedures manuals, supervisors and their employees might perform CWR work that they believed was done completely and correctly but which did not actually follow their employers requirements or Federal safety regulatory requirements. This could lead to increased numbers of accidents/incidents on CWR track.

Without this collection of information, there would be no way to facilitate and oversee the implementation of the Gage Restrain Measurement System (GRMS) technology. Presently, the maintenance decisions which determine crosstie and rail fastener replacement within the industry rely heavily on visual inspections made by maintenance personnel whose subjective knowledge is based on varying degrees of experience and training. The subjective nature of these inspections sometimes results in inconsistent determinations about the ability of individual crossties and rail fasteners to maintain adequate gage restraint. GRMS technology offers a better, more objective method to

determine the ability of crossties and rail fasteners to maintain adequate gage restraint. It is well known within the rail industry that crossties of questionable condition left too long can cause wide-gage derailments. By collecting the required GRMS information, FRA can ensure the following: that GRMS is implemented on appropriate segments of track on a regional (eventually a national) basis; that GRMS design requirements have been met; that GRMS vehicles have been properly calibrated so that the integrity of the data they provide is maintained; and that suitable GRMS training programs have been established by track owners so that persons fully qualified under §213.7 are properly trained in this new technology. FRA's facilitation of the implementation of GRMS technology serves to improve rail safety by reducing the likelihood of wide-gage derailments caused by crossties and rail fasteners which had not been replaced in a timely manner.

Other information collected and reviewed by FRA as a result of the Track Safety Standards, in particular written records, enhance rail safety by ensuring that track owners designate only qualified persons to inspect and maintain track, and to supervise restorations and renewals of track under traffic conditions. The list of qualified persons to inspect or repair track is updated as new employees become qualified. These individuals must be able to demonstrate to track owners that they have the necessary experience and knowledge so that they can detect deviations from the requirements of this Part and prescribe appropriate remedial action to correct or safely compensate for those deviations. Each designated individual, including contractor personnel engaged by the track owner, must have written authorization from the track owner to prescribe remedial actions, and must have successfully completed a recorded examination. Consequently, these persons will better be able to identify rail defects and rail mismatches; determine the condition of crossties; evaluate track surface and alignment; ascertain gage restraint; and discern the maximum distance between rail ends over which trains may be allowed to pass. This, in turn, will help to reduce the number of accidents/incidents and corresponding injuries, deaths, and property damage.

Inspection records are extremely important and are used by Federal and State investigators in the enforcement of the Track Safety Standards, and thus help promote rail safety. Track inspection records must indicate which track(s) are traversed by a vehicle that allows qualified persons to visually inspect the structure for compliance with this Part and which track(s) are inspected by foot, as outlined in paragraph (b)(2) of § 213.233. Records must be prepared on the day the inspection is made, and must be signed by the person making the inspection. Further, records must specify the track inspected, date of inspection, location and nature of any deviation from the requirements of Part 213, the location of any intervals of track not tested per § 213.237(d), and the remedial action taken by the person making the inspection. Track owners are required to retain inspection records for at least two years after the actual inspection and for one year after the remedial action is taken. The frequency of inspection is related to the rate of track degradation, and a relaxation of that frequency would increase the risk of an accident caused by a defect that had not been detected. In the event of a train accident/incident, particularly one implicating track structure, these inspection records

provide invaluable investigatory assistance in determining the exact cause(s) and in designing appropriate remedial measures/programs.

In sum, the information collected aids FRA in its primary mission, which is to promote and enhance rail safety throughout the country.

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.**

Under § 213.233, track inspections must be made in accordance with the following schedule: (1) Excepted track and Class 1, 2, and 3 track (main track and sidings) must be inspected weekly with at least three calendar days interval between inspections, or before use, if the track is used less than once a week, or twice weekly with at least one calendar day interval between inspections, if the track carries passenger trains or more than 10 million gross tons of traffic during the preceding calendar year; (2) Excepted track and Class 1, 2, and 3 track (other than main track and sidings) must be inspected monthly with at least 20 calendar days interval between inspections; and (3) Class 4 and 5 track must be inspected twice weekly with at least one calendar day interval between inspections. Inspection records are required to be kept by track owners under § 213.241, and each record of an inspection must be prepared on the day the inspection is made. Also, under § 213.341, initial inspection of new field welds, either those joining the ends of CWR strings or those made for isolated repairs, must be conducted not less than one day and not more than 30 days after the welds have been made.

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.

FRA published the CWR Notice of Proposed Rulemaking in the Federal Register on December 1, 2008, 73 FR 73078, soliciting comment on the NPRM and its associated collection of information. FRA received five comments from the public in response.

Specifically, FRA received comments from the American Association for Justice (AAJ), the American Association of Railroads (AAR), the Brotherhood of Maintenance of Way Employes Division (BMWED), Metra, and the National Transportation Safety Board (NTSB) during the public comment period for the NPRM.

None of the five comments received by FRA pertained to estimated burden costs and estimated burden hours. Three of the comments did touch on information collection requirements associated with the proposed rule. The first comment pertaining to one of the paperwork requirements came from the BMWED. BMWED strongly argued that it believes that FRA should disapprove, for cause stated, CWR plans within a specific time period so as not to allow a non-conforming plan to remain in effect for an extended period of time. Should manpower at FRA be an impediment to incorporating such specific time frames for disapproval of all track owners' CWR plans, BMWED argues that FRA should, at a minimum, adopt its suggested time frame of review of five (5) months for Class I railroads, 10 months for Class II railroads, and 15 months for Class III railroads.

FRA appreciates BMWED's concerns, and has developed a good solution to this issue. FRA decided to have this final rule effective at different dates based on the Class of railroad. The final rule is effective 45 days after the publication date for Class I railroads, 90 days after the publication date for Class II railroads, and 180 days after the publication date for Class III railroads. Also, FRA has developed a new paragraph, 213.118, which more clearly outlines FRA's plan review and approval process.

The second comment came from the Association of American Railroads. The AAR is not in favor of including paragraph 213.119(c), which describes CWR joint installation and maintenance procedures, contending that its inclusion robs the industry of necessary future flexibility. These representatives did not believe it was necessary to incorporate the text into the rule if FRA knew that they had already proposed to add the text to their individual CWR plans. The AAR members in the Working Group also argued this point during the meetings, stating that including this paragraph constituted "regulatory creep." BMWED, on the other hand, agreed with the proposed text.

FRA strongly feels that inclusion of the paragraph is necessary. With the history of high-profile derailments on CWR due to joint bar failure, as discussed in the October 11, 2006 final rule (71 FR 59677), FRA stresses the importance for CWR track owners to follow the installation and maintenance procedures proposed in this paragraph. FRA also notes that the maintenance procedures proposed were analyzed and discussed at length by the Working Group and found to represent sound industry guidance to avoid a derailment on CWR track due to poor joint installation or maintenance. The BMWED also mentioned that § 213.119(c)(3) should specify "bar(s)" instead of "bar." FRA agrees with this assessment and has changed the final rule text accordingly. FRA has also elected to slightly revise the text to make the requirements more uniform.

AAR also commented on inspection intervals. AAR proposes that FRA return to the "intent of the current regulations and RSAC's intent by requiring railroads to specify when inspections should occur due to ambient temperature." AAR argues that FRA offers no explanation of why it proposes to require railroads to specify an inspection interval at § 213.119(g)(2) or what it expects railroads to do to comply with such a requirement. FRA understands the confusion that the wording in the NPRM could have caused. Therefore, FRA has slightly modified the text in response to AAR's comment. The final rule states that the plan must "specify when the inspections will be conducted."

Furthermore, AAR also proposed that FRA delete the last sentence in § 213.119(k), which requires that CWR procedures be "maintained in one engineering standards and procedures manual." AAR claimed that it is not necessary to have all engineering standards and procedures in one document, but agrees that there is a benefit to having all CWR standards and procedures in one document. FRA agrees with this concern, and has changed the text to specify that CWR procedures be "maintained in one CWR standards and procedures manual."

The third comment came from the National Transportation Safety Board (NTSB) and concerned Fracture Reports. NTSB noted that a track owner must generate a Fracture Report for every cracked or broken CWR joint bar and that special inspections be conducted to locate the defective joint bar. The track owner then sends this data to the FRA for review and analysis so that FRA can assess the validity of joint bar inspections and determine their proper frequency or adjustment. NTSB is concerned that, after February 10, 2010, a track owner may petition FRA to conduct a technical conference to review the Fracture Report data and to assess whether there is a continued need for the collection of data. NTSB is concerned that FRA may authorize track owners to discontinue collecting fracture data that could help evaluate whether a railroad's CWR plan adequately addresses problematic joints. NTSB argues that the collection and assessment of fracture data is important and should continue.

FRA appreciates NTSB's concern with regard to the importance of Fracture Reports, and also notes that it did not change the requirement of Fracture Reports with this final rule. Indeed, a track owner must continue to submit a Fracture Report to FRA for every cracked or broken CWR joint bar that is discovered during the course of an inspection pursuant to §§ 213.119(h), 213.233 or 213.235 on track that is required under § 213.119(h)(6)(i) to be inspected. FRA believes that NTSB's concern is premature for purposes of this rulemaking. FRA advises that the appropriate time to bring forth this concern would be at a technical conference called by FRA to assess whether there is a continued need for the collection of Fracture Report data.

Background

In March 1996, FRA established the Railroad Safety Advisory Committee (RSAC), which provides a forum for developing consensus recommendations to FRA's

Administrator on rulemakings and other safety program issues. The RSAC includes representatives from all of the major stakeholder groups, including railroads, labor organizations, suppliers and manufacturers, and other interested parties.

A list of member groups follows:
American Association of Private Railroad Car Owners (AARPCO);
American Association of State Highway & Transportation Officials (AASHTO);
American Chemical Council
American Petrochemical Institute
American Public Transportation Association (APTA);
American Short Line and Regional Railroad Association (ASLRRA);
American Train Dispatchers Association (ATDA);
Association of American Railroads (AAR);
Association of Railway Museums (ARM);
Association of State Rail Safety Managers (ASRSM);
Brotherhood of Locomotive Engineers and Trainmen (BLET);
Brotherhood of Maintenance of Way Employes Division (BMWED);
Brotherhood of Railroad Signalmen (BRS);
Chlorine Institute
Federal Transit Administration (FTA)*;
Fertilizer Institute
High Speed Ground Transportation Association (HSGTA);
Institute of Makers of Explosives
International Association of Machinists and Aerospace Workers;
International Brotherhood of Electrical Workers (IBEW);
Labor Council for Latin American Advancement (LCLAA)*;
League of Railway Industry Women*;
National Association of Railroad Passengers (NARP);
National Association of Railway Business Women*;
National Conference of Firemen & Oilers;
National Railroad Construction and Maintenance Association;
National Railroad Passenger Corporation (Amtrak);
National Transportation Safety Board (NTSB)*;
Railway Supply Institute (RSI);
Safe Travel America (STA);
Secretaria de Comunicaciones y Transporte*;
Sheet Metal Workers International Association (SMWIA);
Tourist Railway Association Inc.;
Transport Canada*;
Transport Workers Union of America (TWU);
Transportation Communications International Union/BRC (TCIU/BRC); and
United Transportation Union (UTU).
*Indicates associate, non-voting membership.

When appropriate, FRA assigns 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 of interests to develop recommendations to FRA for action on the task. These recommendations are developed by consensus. A working group may establish one or more task forces to develop facts and options on a particular aspect of a given task. The task force then provides that information to the working group for consideration. 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 RSAC, the proposal is formally recommended to FRA. FRA then determines what action to take on the recommendation. Because FRA staff play an active role at the working group level in discussing the issues and options and in drafting the language of the consensus proposal, FRA is often favorably inclined toward the RSAC recommendation.

However, FRA is in no way bound to follow the recommendation, and the agency exercises its independent judgment on whether the recommended rule achieves the agency's regulatory goal, is soundly supported, and is in accordance with policy and legal requirements. Often, FRA varies in some respects from the RSAC recommendation in developing the actual regulatory proposal or final rule. Any such variations would be noted and explained in the rulemaking document issued by FRA. If the working group or RSAC is unable to reach consensus on recommendations for action, FRA moves ahead to resolve the issue through traditional rulemaking proceedings.

RSAC established the Track Safety Standards Working Group on February 22, 2006. To address Phase I of RSAC=s referral, the Working Group convened on April 3-4, 2006; April 26-28, 2006; May 24-25, 2006; and July 19-20, 2006. The results of the Working Group=s efforts were incorporated into the final rule that was published on October 11, 2006. To address Phase II of RSAC=s referral, the Working Group convened on January 30-31, 2007; April 10-11, 2007; June 27-28, 2007; August 15-16, 2007; October 23-24, 2007; and January 8-9, 2008. The Working Group=s finding and recommendations were then presented to the full RSAC on February 20, 2008.

The members of the Working Group, in addition to FRA, include the following:

Association of American Railroads (AAR)*;
American Public Transportation Association (APTA)**;
American Short Line and Regional Railroad Association (ASLRRA);
Association of State Rail Safety Managers (ASRSM);
Brotherhood of Locomotive Engineers and Trainmen (BLET);
Brotherhood of Maintenance of Way Employes Division (BMWED);
Brotherhood of Railroad Signalmen (BRS);
Kandrew, Inc.;
National Railroad Passenger Corporation (Amtrak);
Transportation Technology Center, Inc. (TTCI); and

United Transportation Union (UTU)
* AAR includes members from BNSF Railway Company (BNSF), Canadian National Railway (CN), Canadian Pacific Railway (CP), Consolidated Rail Corporation (Conrail), CSX Transportation, Inc. (CSX), Kansas City Southern Railway Company (KCS), Norfolk Southern Railway Company (NS), and Union Pacific Railroad Company (UP).
** APTA includes members from Port Authority Trans-Hudson Corporation (PATH), LTK Engineering Services, Northeast Illinois Regional Commuter Railroad Corporation (Metra), and Peninsula Corridor Joint Powers Board (Caltrain).

Staff from DOT=s John A. Volpe National Transportation Systems Center (Volpe Center) attended all of the meetings and contributed to the technical discussions. In addition, NSTB staff attended all of the meetings and contributed to the discussions as well.

FRA has worked closely with the RSAC in developing its recommendations and believes that the RSAC has effectively addressed concerns with regard to FRA=s management of CWR and rail carriers= effective implementation of their CWR plans. FRA has greatly benefited from the open, informed exchange of information during the meetings. There is a general consensus among the railroads, rail labor organizations, State safety managers, and FRA concerning the primary principles FRA sets forth in this final rule. The Working Group has also benefited in particular from participation of NTSB staff. FRA believes that the expertise possessed by the RSAC representatives enhances the value of the recommendations, and FRA has made every effort to incorporate them in this final rule.

The Working Group was unable to reach consensus on one item that FRA has elected to include in this final rule. The Working Group did not reach consensus with regard to the proposed change to 49 CFR 213.119(c), which describes the joint installation and maintenance procedures that track owners must include in their CWR plans. The FRA representatives to the Working Group felt strongly that the text is necessary to include in the final rule, as the failure of CWR joints was the principal basis for the 2006 final rule. The FRA members believed that the integrity of CWR joints could not be definitively maintained without requiring that the specific installation and maintenance procedures delineated in proposed ' 213.119(c) be included in the track owner=s CWR plan. On the other hand, the rail carrier representatives argued that such specific requirements would interfere with their freedom to modify installation and maintenance procedures as they saw fit. Nevertheless, it is FRA=s position that the text is necessary to prevent the failure of CWR joints and has included this singular, non-consensus item into the rule text of this final rule.

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 final rule.

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.

There are no questions of a sensitive nature in this collection of information. The GRMS information collection requirements pertain to technical data provided to FRA or to appropriate persons designated as fully qualified under § 213.7. The recordkeeping requirement in §§§ 213.7, 213.119, and 213.305 contain only names of qualified persons and the basis of their qualification. The record of track inspection results required by §§ 213.119, 213.241, and 213.369 contains nothing of a personal 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: Based on the latest agency data, the total number of railroads operating in the United States is now 728.

§ 213.4 Excepted track

A track owner may designate a segment of track as excepted track provided that –

(a) The segment is identified in the timetable, special instructions, general order, or other appropriate records which are available for inspection during regular business hours.

Railroads currently list all excepted track in their timetables, which are usually issued once a year or in some cases twice a year. When a piece of track is designated excepted that is not listed in their timetables, a railroad will issue special instructions or general order identifying the excepted track. FRA estimates that this will occur approximately 20 times annually. It is estimated that it will take approximately 15 minutes for a railroad to prepare an order and issue it to all concerned. Total annual burden for this requirement is five (5) hours.

Respondent Universe:	200 railroads (6 class I RRs; 194 class II & III RRs)
Burden time per response:	15 minutes
Frequency of Response:	On occasion
Annual number of Responses:	20 orders
Annual Burden:	

5 hours

Calculation: 20 orders x .25 hr. = 5 hours

(b) A track owner must advise the appropriate FRA Regional Office at least 10 days prior to removal of a segment of track from excepted status.

FRA expects this to happen approximately 15 times a year. The notification can be either by phone or letter. Since it is estimated that a phone call will take approximately five (5) minutes per notification while a letter will take approximately 15 minutes per notifications, FRA believes an average of 10 minutes per notification is fairly accurate. Total annual burden for this requirement is three (3) hours.

Respondent Universe:	200 railroads (6 class I RRs; 194 class II & III RRs)
Burden time per response:	10 minutes
Frequency of Response:	On occasion
Annual number of Responses:	15 notifications
Annual Burden:	3 hours

Calculation: 15 notifications x 10 min. = 3 hours

Total annual burden for this entire requirement is eight (8) hours (5 + 3).

§ 213.5 Responsibility of track owners.

If an owner of track to which this part applies assigns responsibility for the track to another person (by lease or otherwise), written notification of the assignment must be provided to the appropriate FRA Regional Office at least 30 days in advance of the assignment. The notification may be made by any party to that assignment, but must be in writing and include the following:

(1) The name and address of the track owner;

(2) The name and address of the person to whom responsibility is assigned (assignee);

(3) A statement of the exact relationship between the track owner and the assignee;

(4) A precise identification of the track;

(5) A statement as to the competence and ability of the assignee to carry out the duties of the track owner under this part; and

(6) A statement signed by the assignee acknowledging the assignment to him of responsibility for purposes of compliance with this part.

FRA estimates that approximately 10 notifications will be forwarded to FRA annually. It is estimated that it will take a railroad approximately eight (8) hours to prepare its notification, review and approve it, and forward it to FRA. Total annual burden for this requirement is 80 hours.

Respondent Universe:	728 railroads (all class I, class II, & class III RRs)
Burden time per response:	8 hours
Frequency of Response:	On occasion
Annual number of Responses:	10 notifications
Annual Burden:	

80 hours

Calculation: 10 notifications x 8 hrs. = 80 hours

§ 213.7 Designation of qualified persons to supervise certain renewals and inspect track.

(a) Each track owner to which this part applies shall designate qualified persons to supervise restorations and renewals of track under traffic conditions. Each person designated must have –

(1) At least –

(i) 1 year of supervisory experience in railroad track maintenance; or

(ii) A combination of supervisory experience in track maintenance and training from a course in track maintenance or from a college level educational program related to track maintenance;

(2) Demonstrated to the owner that he or she –

(i) Knows and understands the requirements of this part;

(ii) Can detect deviations from those requirements; and

(iii) Can prescribe appropriate remedial action to correct or safely compensate for those deviations; and

(3) Written authorization from the track owner to prescribe remedial actions to correct or safely compensate for deviations from the requirements in this part.

(b) Each track owner to which this part applies shall designate qualified persons to inspect track for defects. Each person designated must have –

(1) At least –

(i) 1 year of experience in railroad track inspection; or

(ii) A combination of experience in track inspection and training from a course in track inspection or from a college level educational program related to track inspection;

(2) Demonstrated to the owner that he or she –

(i) Knows and understands the requirements of this part;

(ii) Can detect deviations from those requirements; and

(iii) Can prescribe appropriate remedial action to correct or safely compensate for those deviations; and

(3) Written authorization from the track owner to prescribe remedial actions to correct or safely compensate for deviations from the requirements of this part, pending review by a qualified person designated under paragraph (a) of this section.

Designations (fully qualified) under paragraphs (a) and (b):

Approximately 80,000 persons are employed by railroads in the inspection and maintenance of the track and structures with an estimated 20,000 of them possessing the necessary qualifications to be designated by the railroad as qualified persons. Approximately 7.5 % of that number (1,500) would be added in any one year at an estimated man-hour effort of less than 10 minutes each. The actual frequency of response varies with employee turnover. Some lists may be updated several times a year in order to be current, and some may not change all year. Based on current information, total annual burden for this requirement is 250 hours.

Respondent Universe:

728 railroads (all Class I, Class II, &

		Class III RRs)
Burden time per response:		10 minutes
Frequency of Response:		On occasion
Annual number of Responses:	1,500 names	
Annual Burden:		
		250 hours
Calculation:		1,500 names x 10 min. = 250 hours

(c) Individuals designated under paragraphs (a) or (b) of this section who inspect continuous welded rail (CWR) track or supervise the installation, adjustment, and maintenance of CWR track in accordance with the written procedures of the track owner must have: (**New Requirement**)

(1) Current qualifications under either paragraph (a) or (b) of this section:

(2) Successfully completed a comprehensive training course specifically developed for the application of written CWR procedures issued by the track owner.

FRA expects 80,000 employees will successfully complete a comprehensive training course specifically developed for the application of written CWR procedures, and will be able to demonstrate to the track owner that he/she knows and understands the requirements of those written CWR procedures; can detect deviations from those requirements; and can prescribe appropriate remedial action to correct or safely compensate for those deviations. It is estimated that it will take approximately 90 minutes to complete the comprehensive training course and demonstrate knowledge of the written CWR procedures. Total annual burden for this requirement is 120,000 hours. (**New Requirement**)

Respondent Universe:	31 railroads (6 Class I + 25 Class II and Class III)
Burden time per response:	90 minutes
Frequency of Response:	On occasion
	Annual number of responses: 80,000 trained employees
Annual Burden:	120,000 hours

Calculation: 80,000 trained employees x 90 min. = 120,000 hours

(3) Demonstrated to the track owner that the individual:

(i) Knows and understands the requirements of those written CWR procedures:

(ii) Can detect deviations from those requirements; and

(iii) Can prescribe appropriate remedial action to correct or safely compensate for those deviations; and

(3) Written authorization from the track owner to prescribe remedial actions to correct or safely compensate for deviations from the requirements in those procedures and successfully completed a recorded examination on those procedures as part of the qualification process.

FRA expects 80,000 employees will receive written authorization from track owners to

prescribe remedial actions to correct or safely compensate for deviations from the requirements in the CWR procedures after successfully completing a recorded examination on those procedures. It is estimated that it will take approximately 10 minutes to complete each written authorization and approximately 60 minutes to complete each recorded examination. Total annual burden for this requirement is 93,333 hours. (**New Requirement**)

Respondent Universe:	31 railroads (6 Class I, 25 Class II and Class III)
Burden time per response:	10 minutes + 60 minutes
Frequency of Response:	On occasion
	Annual number of responses: 80,000 written authorizations + 80,000 recorded examinations
Annual Burden:	93,333 hours

Calculation: 80,000 written authorizations x 10 min. + 80,000 recorded examinations x 60 min. = 93,333 hours

(d) Persons not fully qualified to supervise certain renewals and inspect track as outlined in paragraphs (a) through (c) of this section, but with at least one year of maintenance-of-way or signal experience, may pass trains over broken rails and pull aparts provided that –

(1) The track owner determines the person to be qualified and, as part of doing so, trains, examines, and re-examines the person periodically within two years after each prior examination on the following topics as they relate to the safe passage of trains over broken rails or pull aparts: rail defect identification, crosstie condition, track surface and alinement, gage restraint, rail end mismatch, joint bars, and maximum distance between rail ends over which trains may be allowed to pass. The sole purpose of the examination is to ascertain the person's ability to effectively apply these requirements and the examination may not be used to disqualify the person from other duties. A minimum of four hours training is required for initial training;

(2) The person deems it safe and train speeds are limited to a maximum of 10 m.p.h. over the broken rail or pull apart;

(3) The person shall watch all movements over the broken rail or pull apart and be prepared to stop the train if necessary; and

(4) Person(s) fully qualified under § 213.7 are notified and dispatched to the location promptly for the purpose of authorizing movements and effecting temporary or permanent repairs.

Currently, paragraph (c)(4) represents a usual and customary procedure practiced by all railroads and would not, therefore, incur any new paperwork burden.

FRA expects 250 persons to be designated as partially qualified initially. Thereafter, the actual frequency of response will vary with employee turnover and the requirement for re-qualification within two years after each prior qualification. Again, it is estimated that it will take approximately 10 minutes to designate persons as partially qualified. Total annual burden for this requirement is 42 hours.

Respondent Universe:	31 railroads (6 Class I + 25 Class II and Class III)
Burden time per response:	10 minutes
Frequency of Response:	On occasion

Annual number of responses: 250 names

Annual Burden: 42 hours

Calculation: 250 names x 10 min. = 42 hours

(e) With respect to designations under paragraphs (a) through (d) of this section, each track owner must maintain written records of –

(1) Each designation in effect;

(2) The basis for each designation; and

(3) Track inspections made by each designated qualified person as required by § 213.241. These records shall be kept available for inspection or copying by the Federal Railroad Administration during regular business hours.

This basic requirement has been in existence since 1972. The only new paperwork involved is updating the current list maintained by the railroads, and to add any employees who would now be designated as partially qualified under the requirements of newly added paragraph (c) of this section.

Total annual burden for this entire requirement is 213,625 hours (250 + 120,000 + 93,333 + 42).

§ 213.17 Waivers.

Any owner of track to which this part applies, or other person subject to this part, may petition the Federal Railroad Administrator for a waiver from any or all requirements prescribed in this Part. Each petition for waiver must be filed in the manner and contain the information required by Part 211 of this chapter.

FRA estimates that it will receive approximately six (6) waiver petitions annually. It is estimated that it will take a railroad approximately 24 hours to prepare its petition and forward it to FRA. Total annual burden for this requirement is 144 hours.

Respondent Universe:	728 railroads
Burden time per response:	24 hours
Frequency of Response:	On occasion
Annual number of Responses:	6 petitions
Annual Burden:	

144 hours

Calculation: 6 petitions x 24 hrs. = 144 hours

§ 213.57 Curves; elevation and speed limitations.

A. Qualified equipment may be operated at curving speeds determined by the formula in paragraph (c) of this section, provided each specific class of equipment is approved for operation by the Federal Railroad Administration (FRA) and demonstrates that –

(1) When positioned on a track with a uniform 4 inch superelevation, the roll angle between the floor of the equipment and the horizontal does not exceed 5.7 degrees; and

(2) When positioned on a track with a uniform 6 inch superelevation, no wheel of the equipment unloads to a value of 60 percent of its static value on perfectly level track, and the roll angle between the floor of the equipment and the horizontal does not exceed 8.6 degrees.

(3) The track owner must notify the Federal Railroad Administrator no less

than 30 calendar days prior to the proposed implementation of the higher curving speeds allowed under the formula in paragraph (c) of this section. The notification must be in writing and must contain, at a minimum, the following information –

(i) A complete description of the class of equipment involved, including schematic diagrams of the suspension systems and the location of the center of gravity above top of rail;

(ii) A complete description of the test procedure and instrumentation used to qualify the equipment and the maximum values for wheel unloading and roll angles which were observed during testing;

(iii) Procedures or standards in effect which relate to the maintenance of the suspension system for the particular class of equipment; and

(iv) Identification of line segment on which the higher curving speeds are proposed to be implemented.

FRA estimates that approximately two (2) requests will be received annually. It is estimated that each request will take approximately 40 hours to complete and forward to FRA. Total annual burden for this requirement is 80 hours.

Respondent Universe:

728 railroads (all class I, class II, & class III RRs)

Burden time per response:		40 hours
Frequency of Response:		On occasion
Annual number of Responses:	2 requests	
Annual Burden:		
		80 hours
Calculation:		2 requests x 40 hrs. = 80 hours

B. A track owner, or an operator of a passenger or commuter service, who provides passenger or commuter service over trackage of more than one track owner with the same class of equipment, that person may provide written notification to the Federal Railroad Administrator with the written consent of the other affected track owners.

FRA estimates that approximately two (2) notifications will be received annually under this information collection requirement. It is estimated that each notification will take approximately 45 minutes to complete. Total annual burden for this requirement is two (2) hours.

Respondent Universe:	728 railroads (all class I, class II, & class III RRs)
Burden time per response:	45 minutes
Frequency of Response:	On occasion
Annual number of Responses:	2 notifications
Annual Burden:	

2 hours

Calculation:

2 notifications x 45 min. = 2 hours

C. A track owner or a railroad operating above Class 5 speeds may request approval from the Federal Railroad Administrator to operate specified equipment at a level of cant deficiency greater than four inches in accordance with § 213.329(c) and (d) on curves in Class 1 through 5 track which are contiguous to the high speed track provided that –

(1) The track owner or railroad submits a test plan to the Federal Railroad Administrator for approval no less than 30 calendar days prior to any proposed implementation of the higher curving speeds. The test plan shall include an analysis and determination of carbody acceleration safety limits for each vehicle type which indicate wheel unloading of 60 percent in a steady state condition and 80 percent in a transient (point by point) condition. Accelerometers shall be laterally-oriented and floor-mounted near the end of a representative vehicle of each type;

(2) Upon FRA approval of a test plan, the track owner or railroad conducts incrementally increasing train speed test runs over the curves in the identified track segment(s) to demonstrate that wheel unloading is within the limits prescribed in paragraph (1) above of this section;

(3) Upon FRA approval of a cant deficiency level, the track owner or railroad inspects the curves in the identified track segment with a Track Geometry Measurement System (TGMS) qualified in accordance with § 213.333(b) through (g) at an inspection frequency of at least twice annually with not less than 120 days interval between inspections; and

(4) The track owner or railroad operates an instrumented car having dynamic

response characteristics that are representative of other equipment assigned to service or a portable device that monitors on-board instrumentation on trains over the curves in the identified track segment at the revenue speed profile at a frequency of at least once every 90 days with not less than 30 days interval between inspections. The instrumented car or the portable device shall monitor a laterally-oriented accelerometer placed near the end of the vehicle at the floor level. If the carbody lateral acceleration measurement exceeds the safety limits prescribed in paragraph (1) above, the railroad shall operate trains at curving speeds in accordance with paragraph (b) or (c) of this section; and

(5) The track owner or railroad shall maintain a copy of the most recent exception printouts for the inspections required under paragraphs (3) and (4) above of this section.

The only paperwork requirement under this section would be the submission of a test plan required under (1) above. The records required under (5) above are already required under Subpart G requirements for the high speed sections of track which are contiguous to the lower speed sections. Both low speed and Subpart G sections of track would be examined in the same continuous test and the low speed exceptions would merely be added to the Subpart G record, which is already a requirement.
FRA anticipates submission of approximately two (2) test plans. It is estimated that it will take approximately 16 hours to prepare each submission in order to satisfy this requirement. Total annual burden for this requirement is 32 hours.

Respondent Universe:	1 railroad (Amtrak)
Burden time per response:	16 hours
Frequency of Response:	On occasion
One-time number of Responses:	2 test plans
One-time Burden:	

32 hours

Calculation: 2 test plans x 16 hrs. = 32 hrs.

Total annual burden for this entire requirement is 114 hours (80 + 2 + 32).

§ 213.110 Gage restraint measurement systems.

A. A track owner may elect to implement a Gage Restraint Measurement System (GRMS), supplemented by the use of a Portable Track Loading Fixture (PTLF), to determine compliance with the crosstie and fastener requirements specified in §§213.109 and 213.127 provided that: (1) The track owner notifies the appropriate FRA Regional office at least 30 days prior to the designation of any line segment on which GRMS technology will be implemented; and (2) The track owner notifies the appropriate FRA Regional office at least 10 days prior to the removal of any line segment from GRMS designation. Initial notification under paragraph (a)(1) of this section shall include: (1) Identification of the line segment(s) by timetable designation, milepost limits, class of track, or other identifying criteria; and (2) The most recent record of million gross tons of traffic per year over the identified segment(s). The track owner shall also provide to FRA sufficient technical data to establish compliance with the minimum design requirements of a GRMS vehicle which specify that –

(1) Gage restraint shall be measured between the heads of rail –

(A) At an interval not exceeding 16 inches;
(B) Under an applied vertical load of no less than 10,000 pounds per rail; and
(C) Under an applied lateral load which provides for a lateral/vertical load ratio between 0.5 and 1.25, and a load severity greater than 3,000 pounds but less than 8,000 pounds.

FRA estimates that approximately five (5) notifications will be provided to FRA Regional offices under the first part of this requirement. FRA also estimates that approximately once a year track owners will provide the necessary technical data under the second part of this requirement. It is estimated that it will take approximately 45 minutes to complete each notification and forward it to the appropriate Regional office, and approximately four (4) hours to gather the necessary GRMS technical data. Total annual burden for this requirement is eight (8) hours.

Respondent Universe:	728 Railroads
Burden time per response:	45 minutes/4 hours
Frequency of Response:	On occasion
Annual number of Responses:	5 notifications + 1 technical report
Annual Burden:	

8 hours

Calculation: 5 notifications x 45 min. + 1 report x 4 hrs. = 8 hours

B. The GRMS vehicle shall be capable of producing output reports that provide a trace, on a constant-distance scale, of all parameters specified in paragraph (l) of this section.

FRA estimates that approximately 50 output reports will be produced each year under the above requirement. The output reports are generated in real time. It is estimated that it will take approximately five (5) minutes for the entire process to produce each output report. Total annual burden for this requirement is four (4) hours.

Respondent Universe:	728 Railroads
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	50 output reports
Annual Burden:	

Calculation: 4 hours 50 output reports x 5 min. = 4 hours

C. The GRMS vehicle shall be capable of providing an exception report containing a systematic listing of all exceptions, by magnitude and location, to all the parameters specified in paragraph (l) of this section. The exception reports required by this section shall be provided to the appropriate person designated as fully qualified under §213.7 prior to the next inspection required under §213.233 of this part.

FRA estimates that approximately 50 exception reports will be provided to appropriate person designated as fully qualified under §213.7 prior to the next inspection required under §213.233 of this part. Again, this report is generated in real time. It is estimated that it will take approximately five (5) minutes to complete each output report. Total

annual burden for this requirement is four (4) hours.

Respondent Universe:	728 Railroads
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	50 exception reports
Annual Burden:	
	4 hours

Calculation: 50 exception reports x 5 min. = 4 hours

D. The track owner shall institute the necessary procedures for maintaining the integrity of the data collected by the GRMS and PTLF systems. At a minimum, the track owner shall: (1) Maintain and make available to the Federal Railroad Administration (FRA) documented calibration procedures on each GRMS vehicle which, at a minimum, shall specify a daily instrument verification procedure that will ensure correlation between measurements made on the ground and those recorded by the instrumentation with respect to loaded and unloaded gage parameters; and (2) Maintain each PTLF used for determining compliance with the requirements of this section such that the 4,000-pound reading is accurate to within five percent of that reading.

FRA estimates that approximately four (4) documented calibration procedures for GRMS vehicles will be developed and made available to FRA under this requirement. It is estimated that it will take approximately two (2) hours for each railroad to compose the required documented calibration procedure and forward it to FRA. Total annual burden for this requirement is eight (8) hours.

Respondent Universe:	728 Railroads
Burden time per response:	2 hours
Frequency of Response:	On occasion

Annual number of Responses: 4 documented procedures
Annual Burden:

8 hours

Calculation:

4 documented procedures x 2 hrs. = 8 hours

E. The track owner shall provide training in GRMS technology to all persons designated as fully qualified under §213.7 and whose territories are subject to the requirements of this section. The training program shall be made available to the Federal Railroad Administration (FRA) upon request. At a minimum, the training program must address the following:

(1) Basic GRMS procedures;
(2) Interpretation and handling of exception reports generated by the GRMS vehicle;
(3) Locating and verifying defects in the field;
(4) Remedial action requirements;
(5) Use and calibration of the PTLF; and
(6) Recordkeeping requirements.

FRA estimates that approximately two (2) training programs will be established and that 100 employees will be trained in five (5) training sessions under the above requirements. It is estimated that it will take approximately 16 hours to develop each training program and an additional 16 hours to conduct each training session so that all designated persons fully qualified under §213.7 are properly trained. Total annual burden for this requirement is 112 hours.

Respondent Universe: 728 Railroads

Burden time per response:	16 hours
Frequency of Response:	On occasion
Annual number of Responses:	2 training programs + 5 training sess.
Annual Burden:	

112 hours

Calculation: 2 training prog. x 16 hrs. + 5 training sess. x 16 hrs = 112 hours

F. The track owner shall maintain a record of the two most recent GRMS inspections at locations which meet the requirements specified in §213.241(b) of this part. At a minimum, records shall indicate the following: (1) Location and nature of each First Level exception; and (2) Nature and date of remedial action, if any, for each exception identified in paragraph (n)(1) of this section.

FRA estimates that approximately 50 records will be maintained under this requirement. It is estimated that it will take approximately two (2) hours to complete each record. Total annual burden for this requirement is 100 hours.

Respondent Universe:	728 Railroads
Burden time per response:	2 hours
Frequency of Response:	On occasion
Annual number of Responses:	50 records
Annual Burden:	

100 hours

Calculation: 50 records

x 2 hrs.
= 100
hours

Total annual burden for this entire requirement is 236 hours (8 + 4 + 4 + 8 + 112 + 100).

§ 213.118 Continuous welded rail (CWR); plan review and approval.

(a) Each track owner with track constructed of CWR must have in effect and comply with a plan that contains written procedures which address: the installation, adjustment, maintenance and inspection of CWR; inspection of CWR joints**;** and a training program for the application of those procedures.

(b) The track owner must file its CWR plan with the FRA Associate Administrator for Safety/Chief Safety Officer (Associate Administrator). Within 30 days of receipt of the submission, FRA will review the plan for compliance with this subpart. FRA will approve, disapprove or conditionally approve the submitted plan, and will provide written notice of its determination. (**Amended Requirement**)

(c) The track owner's existing plan shall remain in effect until the track owner's new plan is approved or conditionally approved and is effective pursuant to paragraph (d) of this section

.

FRA estimates that all 728 railroads will revise their plans to include the new CWR procedures required under the above requirement. It is estimated that it will take approximately four (4) hours to revise each plan and submit it to FRA. Total annual burden for this requirement is 2,912 hours.

Respondent Universe:	728 Railroads
Burden time per response:	4 hours
Frequency of Response:	On occasion
Annual number of Responses:	728 revised plans
Annual Burden:	

2,912
hours

Calculation: 728 revised plans x 4 hrs. = 2,912 hours

(d) The track owner shall, upon receipt of FRA's approval or conditional approval establish the plan's effective date. The track owner shall advise in writing FRA and all affected employees of the effective date. (**New Requirement**)

FRA estimates that approximately 728 written notifications advising FRA and an additional 80,000 notifications advising affected employees will be made by track owners/railroads under the above requirement. It is estimated that it will take approximately 15 minutes to complete and send each written notification to FRA and approximately two minutes to complete and provide each written notification to affected employees. Total annual burden for this requirement is 2,849 hours.

Respondent Universe:	728 Railroads
Burden time per response:	15 minutes + 2 minutes
Frequency of Response:	On occasion
Annual number of Responses:	728 written notifications + 80,000 written notifications
Annual Burden:	2,849 hours

Calculation: 728 written notifications x 15 min. + 80,000 written notifications x 2 min. = 2,849hours

(e) FRA, for cause stated, may, subsequent to plan approval or conditional approval, require revisions to the plan to bring the plan into conformity with this subpart. Notice of a revision requirement shall be made in writing and specify the basis of FRA's requirement. The track owner may, within 30 days of the revision requirement, respond and provide written submissions in support of the plan. (**New Requirement**)

FRA estimates that approximately 20 plans will require revisions and, as a result, 20 written submissions will be sent to the agency in support of the plan under the above requirement. It is estimated that it will take approximately two (2) hours to complete

each written submission. Total annual burden for this requirement is 40 hours.

Respondent Universe:	728 Railroads
Burden time per response:	2 hours
Frequency of Response:	On occasion
Annual number of Responses:	20 written submissions
Annual Burden:	

40 hours

Calculation: 20 written submissions x 2 hrs. = 40 hours

(e) FRA renders a final decision in writing. Not more than 30 days following any final decision requiring revisions to a CWR plan, the track owner must amend the plan in accordance with FRA's decision and resubmit the conforming plan. The conforming plan becomes effective upon its submission to FRA. (**New Requirement**)

FRA estimates that approximately 20 plans will be amended under the above requirement. It is estimated that it will take approximately one (1) hour to complete each amended plan. Total annual burden for this requirement is 20 hours.

Respondent Universe:	728 Railroads
Burden time per response:	1 hour
Frequency of Response:	On occasion
Annual number of Responses:	20 amended plans
Annual Burden:	

20 hours

Calculation:

20 amended plans x 1 hr. =

20
hours

Total annual burden for this entire requirement is 5,821 hours (2,912 + 2,849 + 40 + 20).

§ 213.119 Continuous welded rail (CWR); plan contents.

The track owner shall comply with the contents of the CWR plan approved or conditionally approved under 213.118. The plan shall contain the following elements –

(a) Procedures for the installation and adjustment of CWR which include –

(1) Designation of a desired rail installation temperature range for the geographic area in which the CWR is located; and

(2) De-stressing procedures/methods which address proper attainment of the desired rail installation temperature range when adjusting CWR.

(b) Rail anchoring or fastening requirements that will provide sufficient restraint to limit longitudinal rail and crosstie movement to the extent practical, and specifically addressing CWR rail anchoring or fastening patterns on bridges, bridge approaches, and at other locations where possible longitudinal rail and crosstie movement associated with normally expected train-induced forces, is restricted.

(c) CWR joint installation and maintenance procedures which require that –

(1) Each rail shall be bolted with at least two bolts at each CWR joint;

(2) In the case of a bolted joint installed during CWR installation after (**INSERT PUBLICATION DATE OF FINAL RULE**), the track owner shall either, within 60 days –

(i) Weld the joint;
(ii) Install a joint with six bolts;
(iii) Anchor every tie 195 feet in both directions of the joint; and

(3) In the case of a bolted joint in CWR experiencing service failure or a failed bar with a rail gap present, the track owner shall either –

(i) Weld the joint;
(ii) Replace the broken bar(s), replace the broken bolts, adjust the anchors and, within 30 days, weld the joint;

(iii) Replace the broken bar(s), replace the broken bolts, install one additional bolt per rail end, and adjust anchors;

(iv) Replace the broken bar(s), replace the broken bolts, and anchor every tie 195 feet in both directions from the CWR joint; or

(v) Replace the broken bar(s), replace the broken bolts, add rail with provisions for later adjustment pursuant to paragraph (d)(2) of this section, and reapply the anchors.

(d) Procedures which specifically address maintaining a desired rail installation temperature range when cutting CWR, including rail repairs, in-track welding, and in conjunction with adjustments made in the area of tight track, a track buckle, or a pull-apart. Rail repair practices shall take into consideration existing rail temperature so that –

(1) When rail is removed, the length installed shall be determined by taking into consideration the existing rail temperature and the desired rail installation temperature range; and

(2) Under no circumstances should rail be added when the rail temperature is below that designated by paragraph (a)(1) of this section, without provisions for later adjustment.

(e) Procedures which address the monitoring of CWR in curved track for inward shifts of alinement toward the center of the curve as a result of disturbed track.

(f)(1) Procedures which govern train speed on CWR track when –

(i) Maintenance work, track rehabilitation, track construction, or any other event occurs which disturbs the roadbed or ballast section and reduces the lateral or longitudinal resistance of the track; and

(ii) The difference between the average rail temperature and the average rail neutral temperature is in a range that causes buckling-prone conditions to be present at a specific location; and

(3) In formulating the procedures under paragraph (f)(1) and (f)(2) of this section, the track owner shall –

(i) Determine the speed required, and the duration and subsequent removal of any speed restriction based on the restoration of the ballast, along with sufficient ballast re-consolidation to stabilize the track to a level that can accommodate expected train-induced forces. Ballast re-consolidation can be achieved through either the passage of train tonnage or mechanical stabilization procedures, or both; and

(ii) Take into consideration the type of crossties used.

The burden for the earlier one-time requirements, which have already been fulfilled, was accounted for in the previously approved submission. The burden for the new/amended requirements for CWR plans is included under that of § 213.118 above. Consequently, there is no additional burden associated with these requirements.

(g) Procedures which prescribe when physical track inspections are to be performed.

(1) At a minimum, these procedures must address inspecting track to identify –

(i) Buckling prone conditions in CWR track, including –
(A) Locations where tight or kinky rail conditions are likely to occur;

(B) Locations where track work of the nature described in paragraph (f)(1)(i) of this section have recently been performed; and

(ii) Pull-apart prone conditions in CWR track, including locations where pull-apart or stripped-joint rail conditions are likely to occur; and

(2) In formulating the procedures under paragraph (g)(1) of this section, the track owner must –

(i) Specify when the inspections will be conducted; and

(ii) Specify the appropriate remedial actions to be taken when either buckling-prone or pull-apart conditions are found.

(h) Procedures which describe the scheduling and conduct of inspections to detect cracks and other indications of potential failures in CWR joints. In formulating the procedures under this paragraph, the track owner must –

(1) Address the inspection of joints and the track structure at joints, including, at a minimum, periodic on-foot inspections;

(2) Identify joint bars with visible or otherwise detectable cracks and conduct remedial action pursuant to § 213.121;

(3) Specify the conditions of actual or potential joint failure for which personnel must inspect, including, at a minimum, the following items:

(i) Loose, bent, or missing joint bolts;

(ii) Rail end batter or mismatch that contributes to the instability of the joint; and

(iii) Evidence of excessive longitudinal rail movement in or near the joint, including, but not limited to: wide rail gap, defective joint bolts, disturbed ballast, surface deviations, gap between tie plates and rail, or displaced rail anchors;

(4) Specify the procedures for the inspection of CWR joints that are imbedded in highway-rail crossings or in other structures that prevent a complete inspection of the joint, including procedures for the removal from the joint of loose material or other temporary material;

(5) Specify the appropriate corrective actions to be taken when personnel find conditions of actual or potential joint failure, including on-foot follow-up inspections to monitor conditions of potential joint failure in any period prior to completion of repairs.

(6) Specify the timing of periodic inspections, which shall be based on the configuration and condition of the joint:

(i) Except as provided in paragraphs (h)(6)(ii) through (iv) of this section, track owners must specify that all CWR joints are inspected, at a minimum, in accordance with intervals identified in the table in this section (213.119(h)(6)(i));

(ii) Consistent with any limitations applied by the track owner, a passenger train conducting an unscheduled detour operation may proceed over track not normally used for passenger operations at a speed not to exceed the maximum authorized speed otherwise allowed, even though CWR joints have not been inspected in accordance with the frequency identified in paragraph (h)(6)(i) of this section, provided that:

(A) All CWR joints have been inspected consistent with requirements for freight service; and

(B) The unscheduled detour operation lasts no more than 14 consecutive calendar days. In order to continue operations beyond the 14-day period, the track owner must inspect the CWR joints in accordance with the requirements of paragraph (h)(6)(i) of this section;

(iii) Tourist, scenic, historic, or excursion operations, if limited to the

maximum authorized speed for passenger trains over the next lower class of track, need not be considered in determining the frequency of inspections under paragraph (h)(6)(i) of this section.

(iv) All CWR joints that are located in switches, turnouts, track crossings, lift rail assembles or other transition devices on moveable bridges must be inspected on foot at least monthly, consistent with the requirements in § 213.235; and all records of those inspections must be kept in accordance with the requirements of § 213.241. A track owner may include in its § 213.235 inspections, in lieu of the joint inspections required by paragraph (h)(6)(i) of this section, CWR joints that are located in track structure that is adjacent to switches and turnouts, provided that the track owner precisely defines the parameters of that arrangement in the CWR plans.

The burden for the earlier one-time requirements, which have already been fulfilled, was accounted for in the previously approved submission. The burden for the new/amended requirements for CWR plans is included under that of § 213.118 above. Consequently, there is no additional burden associated with these requirements.

(7) Specify the recordkeeping requirements related to joint bars in CWR, including the following:

(i) The track owner shall keep a record of each periodic and follow-up inspection required to be performed by the track owner's CWR plan, except for those inspections conducted pursuant to § 213.235 for which track owners must maintain records pursuant to § 213.241. The record shall be prepared on the day the inspection is made and signed by the person making the inspection. The record shall include, at a minimum, the following items: the boundaries of the territory inspected; the nature and location of any deviations at the joint from the requirements of this part or of the track owner's CWR plan, with the location identified with sufficient precision that personnel could return to the joint and identify it without ambiguity; the date of the inspection; the remedial action, corrective action, or both, that has been taken or will be taken; and the name or identification number of the person who made the inspection. (*Note: The burden for this requirement is included under that of § 213.119(j)(3) below*.)

(ii) The track owner shall generate a Fracture Report for every cracked or broken CWR joint bar that the track owner discovers during the course of an inspection conducted pursuant to §§ 213.119(g),

213.233, or 213.235 on track that is required under §213.119(h)(6)(i) to be inspected

(A) The Fracture Report shall be prepared on the day the cracked or broken joint is discovered. The Report shall include, at a minimum: the railroad name; the location of the joint bar as identified by milepost and subdivision; the class of track; annual million gross tons for the previous calendar year; the date of the discovery of the crack or break; the rail section; the type of bar (standard, insulated , or compromise); the number of holes in the joint bar; a general description of the location of the crack or break in bar; the visible length of the crack in inches; the gap measurement between rail ends; the amount and length of rail end batter or ramp on each rail end; the amount of tread mismatch; the vertical movement of joint; and in curves or spirals, the amount of gage mismatch and the lateral movement of the joint.

(B) The track owner shall submit the information contained in the Fracture Reports to the FRA Associate Administrator twice annually, by July 31 for the preceding six-month period from January 1 through June 30 and by January 31 for the preceding six-month period from July 1 through December 31.

(C) After February 1, 2010, any track owner may petition FRA to conduct a technical conference to review the Fracture Report data submitted through December of 2009 and assess whether there is a continued need for the collection of Fracture Report data. The track owner shall submit a written request to the Associate Administrator, requesting the technical conference and explaining the reasons for proposing to discontinue the collection of the data.

The burden for the periodic and follow-up inspections mentioned above requirement is included under that of § 213.119(j)(3) below. Consequently, there is no additional burden associated with this requirement.

FRA estimates that approximately 12,000 Fracture Reports annually will be prepared under the above requirement. It is estimated that it will take approximately 10 minutes to prepare each report. Total annual burden for this requirement is 2,000 hours.

Respondent Universe:	239 railroads (39 Class I and IIs, & 200 Class IIIs) + 1 RR Association
Burden time per response:	10 minutes

Frequency of Response:	Bi-annually
Annual number of Responses:	12,000 Fracture Reports
Annual Burden:	2,000 hours
Calculation:	12,000 Fracture Reports x 10 min. = 2,000 hours

Regarding petitions to conduct a technical conference under (c) above to discuss discontinuing fracture reports, FRA estimates that AAR will submit a petition on behalf of all 239 railroads. It is estimated that it will take approximately 15 minutes to prepare the petition and submit it to FRA. Total annual burden for this requirement is 15 minutes.

Respondent Universe:	1 RR Association (AAR)
Burden time per response:	15 minutes
Frequency of Response:	On occasion
Annual number of Responses:	1 petition
Annual Burden:	.25 hour
Calculation:	1 petition x 15 min. = .25 hour

(8) In lieu of the requirements for the inspection of rail joints contained in paragraphs

(h)(1) through (h)(7) of this section, a track owner may seek approval from FRA to use alternate procedures. (i) The track owner must submit the proposed alternate procedures and a supporting statement of justification to the Associate Administrator for Safety (Associate Administrator). (ii) If the Associate Administrator finds that the proposed alternate procedures provide an equivalent or higher level of safety than the requirements in paragraphs (h)(1) through (h)(7) of this section, the Associate Administrator will approve the alternate procedures by notifying the track owner in writing. The Associate Administrator will specify in the written notification the date on which the procedures will become effective and, after that date, the track owner must comply with the procedures. If the Associate Administrator determines that the alternate procedures do not provide an equivalent level of safety, the Associate Administrator will disapprove the alternate procedures in writing, and the track owner shall continue to comply with the requirements in paragraphs (h)(1) and (h)(7) of this section. (iii) While a determination is pending with the Associate Administrator on a request submitted pursuant to paragraph (h)(8) of this section, the track owner must continue to comply with the requirements contained in paragraphs (h)(1) through (h)(7) of this section.

The burden for the above requirement is a one-time burden which has already been fulfilled. Consequently, there is no additional burden associated with this requirement.

(i) The track owner must have in effect a comprehensive training program for the application of these written CWR procedures, with provisions for annual re-training, for those individuals designated under § 213.7(c) as qualified to supervise the installation, adjustment, and maintenance of CWR track and to perform inspections of CWR track. The track owner must make the training program available for review by FRA upon request. (**Amended Requirement**)

FRA previously estimated that approximately 240 training programs for the application of the required written CWR procedures would be modified to meet the above requirement. It is estimated that it will take approximately one (1) hour for all 239 railroads plus ASLRRA to further amend their training programs to include provisions for annual training as stipulated above. Total annual burden for this requirement is 240 hours.

	Respondent Universe: 239 railroads (39 Class I and IIs, & 200 Class III RRs) + ASLRRA
Burden time per response:	1 hour
Frequency of Response:	One-time
Annual number of Responses:	240 amended training programs
	Annual Burden

:

240
hours

Calculation: 240 training programs x 1 hr. = 240 hours

Annual CWR Re-Training of Employees After First Year

FRA expects all 80,000 employees will receive annual re-training under the above requirement. It is estimated that it will take approximately 30 minutes to complete the comprehensive training course and demonstrate knowledge of the written CWR procedures. Total annual burden for this requirement is 40,000 hours. (**New Requirement**)

Respondent Universe:	31 railroads (6 Class I + 25 Class II and Class III)
Burden time per response:	30 minutes
Frequency of Response:	On occasion
	Annual number of responses: 80,000 re-trained employees
Annual Burden:	40,000 hours

Calculation: 80,000 re-trained employees x 30 min. = 40,000 hours

(j) The track owner shall prescribe and comply with recordkeeping requirements necessary to provide an adequate history of track constructed with CWR. At a minimum, these records must include: **(old requirement)**

(1) Rail temperature, location and date of CWR installations. Each record must be retained for at least one year;

(2) A record of any CWR installation or maintenance work that does not conform with the written procedures. Such record must include the location of the rail and be maintained until the CWR is brought into conformance with such procedures; and

FRA estimates that approximately 2,000 records will be kept under this requirement. It is estimated that it will take approximately 10 minutes to complete each record. Total

annual burden for this requirement is 333 hours.

Respondent Universe:	239 RRs (6 Class 1 RRs; 233 Class 2 & 3 RRs)
Burden time per response:	10 minutes
Frequency of Response:	On occasion
One time number of Responses:	2,000 records
One time Burden:	

333 hours

Calculation: 2,000 records x 10 min. = 333 hours

(3) Information on inspections of rail joints as specified in paragraph (h)(7) of this section.

FRA estimates that approximately 360,000 records pertaining to rail joint inspections will be kept under the new requirement. It is estimated that it will take approximately two (2) minutes to complete each record. Total annual burden for this requirement is 12,000 hours.

Respondent Universe:	239 RRs (6 Class 1 RRs; 233 Class 2 & 3 RRs)
Burden time per response:	2 minutes
Frequency of Response:	On occasion
One time number of Responses:	360,000 records
One time Burden:	

12,000 hours

Calculation:

360,000 records x 2 min. = 12,000 hours

Additionally, a periodic inspection and corresponding record is required of these rail joints after the completion of the initial inspection and placement in the rail joint record inventory. Two-thirds of these initial 360,000 records (or 240,000 records) will be kept once a year as a result of periodic joint inspections, and another one-third of these initial 360,000 records will be kept twice a year (240,000 records) as a result of periodic joint inspections. Thus, FRA estimates that approximately 480,000 records will be kept under this new requirement. It is estimated that it will take approximately one (1) minute to complete each record. Total annual burden for this requirement is 8,000 hours.

Respondent Universe:	239 RRs (6 Class 1 RRs; 233 Class 2 & 3 RRs)
Burden time per response:	1 minute
Frequency of Response:	On occasion
One time number of Responses:	480,000 records
One time Burden:	

8,000 hours

Calculation:

480,000 records x 1 min. = 8,000

hours

(k) The track owner must make readily available, at every job site where personnel are assigned to install, inspect or maintain CWR, a copy of the track owner's CWR procedures and all revisions, appendices, updates, and referenced materials related thereto prior to their effective date. Such CWR procedures must be issued and maintained in one CWR procedures manual. (**New Requirement**)

FRA estimates that approximately 239 CWR procedures manuals will be made available under the above requirement. It is estimated that it will take approximately 10 minutes to assemble each CWR procedures manual (with all the necessary documents) and deliver it to each job site. Total annual burden for this requirement is 40 hours.

Respondent Universe:	718 Railroads
Burden time per response:	10 minutes
Frequency of Response:	On occasion
Annual number of Responses:	239 CWR procedures manual
Annual Burden:	

40 hours

Calculation: 239 CWR procedures manuals x 10 min. = 40 hours

Total annual burden for this entire requirement is 65,545 hours (2,872 + 40 + 20 + 2,000 +.25 + 240 + 40,000 + 333 + 12,000 + 8,000 + 40).

§ 213.122 Torch cut rail

Within one year of September 21, 1998, all torch cut rail ends in Class 3 track over which regularly scheduled passenger trains operate must be inventoried by the track owner.

The burden for the above is a one-time requirement which has already been fulfilled. Consequently, there is no additional burden associated with this requirement.

§ 213.233 Track inspections

Track inspection records must indicate which track(s) are traversed by the vehicle or inspected on foot as outlined in paragraph (b)(3) of this section. All Class 1, 2 and 3 track inspections must be made in accordance with the following schedule:

Weekly (main track and sidings) - with at least 3 calendar days interval between inspections, or *before use*, if the track is used less than once a week, or *twice weekly* with at least one calendar day interval between inspections, if the track carries passenger trains

or more than 10 million gross tons of traffic during the preceding calendar year.

Monthly (other than main track and sidings) - with at least 20 calendar days interval between inspections.

Twice weekly (Class 4 and 5 track) - with at least one (1) calendar day interval between inspections.

Railroads currently fill out track inspection reports. This information collection requirement would only involve making a notation on the inspection form as to which track they were on when inspecting two or more tracks at a time. FRA estimates that approximately 2,500 inspections occur each year. It is estimated that there will be, on average, approximately five (5) notations per inspection (or a total of 12,500 notations per year) and that it will take approximately one (1) minute to make the required notation on the inspection report. Total annual burden for this requirement is 208 hours.

Respondent Universe:	728 railroads (all class I, class II, & class III RRs)
Burden time per response:	1 minute
Frequency of Response:	Twice weekly/weekly/monthly
Annual number of Responses:	12,500 notations
Annual Burden:	208 hours

Calculation: 12,500 inspections x 1 min. = 208 hours

§ 213.237 Inspection of rail

Each defective rail must be marked with a highly visible marking on both sides of the web and base.

Currently, this is a usual and customary procedure practiced by all railroads and will not, therefore, impose any additional paperwork burden on them.

§ 213.241 Inspection records

Each owner of track to which this part applies shall keep a record of each inspection required to be performed on that track under this subpart.

Each record of an inspection under §§ 213.4, 213.119, 213.233, and 213.235 must be prepared on the day the inspection is made and signed by the person making the inspection. Records must specify the track inspected, date of inspection, location and nature of any deviation from the requirements of this part, and the remedial action taken by the person making the inspection. The owner must designate the location(s) where each original record shall be maintained for at least one year after the inspection covered by the record. The owner must also designate one location, within 100 miles of each state in which they conduct operations, where copies of records which apply to those operations are either maintained or can be viewed following 10 days notice by the Federal Railroad Administration.

Rail inspection records must specify the date of inspection, the location and nature of any internal defects found, the remedial action taken and the date thereof, and the location of any intervals of track not tested per § 213.237(d). The owner shall retain a rail inspection record for at least two years after the inspection and for one year after remedial action is taken.

Each owner required to keep inspection records under this section shall make those records available for inspection and copying by the Federal Railroad Administration.

For purposes of compliance with the requirements of this section, an owner of track may maintain and transfer records through electronic transmission, storage, and retrieval provided that –

(1) The electronic system be designed so that the integrity of each record is maintained through appropriate levels of security such as recognition of an electronic signature, or other means, which uniquely identify the initiating person as the author of that record. No two persons shall have the same electronic identity;

(2) The electronic storage of each record must be initiated by the person making the inspection within 24 hours following the completion of that inspection;

(3) The electronic system must ensure that each record cannot be modified in

any way, or replaced, once the record is transmitted and stored;

(4) Any amendment to a record must be electronically stored apart from the record which it amends. Each amendment to a record must be uniquely identified as to the person making the amendment;

(5) The electronic system must provide for the maintenance of inspection records as originally submitted without corruption or loss of data;

(6) Paper copies of electronic records and amendments to those records that may be necessary to document compliance with this part must be made available for inspection and copying by the Federal Railroad Administration at the locations specified in paragraph (b) of this section; and

(7) Track inspection records must be kept available to persons who performed the inspections and to persons performing subsequent inspections.

There are approximately 728 railroads subject to the inspection and reporting requirements of the Track Safety Standards. The dimension or size of the respondents spans the gamut from five-to-ten mile short lines to large common carriers.

The frequency of inspection is variable depending on the type and usage of track from one inspection and report per month for auxiliary tracks to as much as twice per week for high speed, heavy tonnage main lines or where passenger trains operate. Inspections required for the detection of internal rail flaws is limited to one inspection per year for the higher speed main tracks. No internal rail inspection is required for yard tracks or slow speed main tracks.

The burden associated with track and rail inspections is based on a presumption of track mileage by type and track class with an assumed inspection rate of 10 miles per hour and an additional five minutes per inspection hour to prepare the report. High speed, heavy tonnage track amounts to approximately 95,000 track miles requiring two inspections per week or 9,880,000 inspection-miles per year. Weekly inspections are required on 100,000 miles for a total of 5,200,000 inspection-miles per year and 25,000 miles require monthly inspection or 300,000 inspection miles per year. Based on the 10 mile per hour inspection rate and the additional time for report preparation, the inspection and reporting burden was calculated at 1,666,166 man-hours. Inspections for internal rail flaws convert to 6,608 equivalent man-hours, while identifying the location of any intervals of track not tested per § 213.237(d) will take approximately 167 hours (2,000 records @ 5 min. each) for a grand total of 1,672,941 burden hours. This includes all of the required inspections and reports required by Section 213.241 of the Track Standards.

Respondent Universe: 728 railroads (all

	class I, class II, & class III RRs)	
Burden time per response:	See above	
Frequency of Response:	Twice weekly/weekly/monthly	
Annual number of Responses:	1,542,089 records (See above)	
Annual Burden:		
		1,672,941 hours
Calculation:		See above for burden hour calculation.

HIGH SPEED TRACK

213.303 - Responsibility for Compliance

If an owner of track to which this subpart applies assigns responsibility for the track to another person (by lease or otherwise), notification of the assignment must be provided to the appropriate FRA Regional Office at least 30 days in advance of the assignment. The notification may be made by any party to that assignment, but shall be in writing and include the following:

(i) The name and address of the track owner;

(ii) The name and address of the person to whom responsibility is assigned (assignee);

(iii) A statement of the exact relationship between the track owner and the

assignee;

(iv) A precise identification of the track;

(v) A statement as to the competence and ability of the assignee to carry out the duties of the track owner under this subpart;

(vi) A statement signed by the assignee acknowledging the assignment to that person of responsibility for purposes of compliance with this subpart.

FRA estimates that it will receive approximately one (1) notification annually under the above requirement. It is estimated that it will take approximately eight (8) hours to complete the notification and forward it to FRA. Total annual burden for this requirement is eight (8) hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	8 hours
Frequency of Response:	On occasion
Annual number of Responses:	1 notification
Annual Burden:	

8 hours

Calculation: 1 notification x 8 hrs. = 8 hours

213.305 Designation of qualified individuals; general qualifications.

A. Each track owner to which this subpart applies shall designate qualified individuals who shall be responsible for the maintenance and inspection of track in compliance with the safety requirements prescribed in this subpart. Each designated individual, including contractor personnel engaged by the track owner, must have written authorization from the track owner to prescribe remedial

actions to correct or safely compensate for deviations from the requirements of this subpart and successful completion of a recorded examination on this subpart as part of the qualification process. The recorded examination might be written, or it might be, for example, a computer file with the results of an interactive training course.

B. Inspect track for defects. Each individual designated must have written authorization from the track owner to prescribe remedial actions to correct or safely compensate for deviations from the requirements in this subpart and successful completion of a recorded examination on this subpart as part of the qualification process. The recorded examination might be written, or it might be, for example, a computer file with the results of an interactive training course.

C. Individuals designated under paragraph (a) or (b) that inspect continuous welded rail track (CWR) or supervise the installation, adjustment, and maintenance of CWR in accordance with the written procedures established by the track owner must have written authorization from the track owner to prescribe remedial actions to correct or safely compensate for deviations from the requirements in those procedures and successful completion of a recorded examination on those procedures as part of the qualification process. The recorded examination might be written, or it might be, for example, a computer file with the results of an interactive training course.

Designations (fully qualified)

FRA estimates that approximately 150 individuals will be designated fully qualified under the above requirements. It is estimated that it will take approximately 10 minutes for track owners to so designate each employee or contract worker. Total annual burden for this requirement is 25 hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	10 minutes
Frequency of Response:	One-time
Annual number of Responses:	150 designations
Annual Burden:	25 hours

Calculation: 150 designations x 10 min. = 25 hours

Designations (partially qualified)

FRA estimates that approximately 20 individuals will be designated partially qualified under the above requirements. It is estimated that it will take approximately 10 minutes for track owners to so designate each employee or contract worker. Total annual burden for this requirement is three (3) hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	10 minutes
Frequency of Response:	On occasion
Annual number of Responses:	20 designations
Annual Burden:	3 hours

Calculation: 15 qualifications x 10 min. = 3 hours

Total annual burden for this entire requirement is 28 hours (25 + 3).

213.317 - Waivers

Any owner of track to which this subpart applies may petition the Federal Railroad Administrator for a waiver from any or all requirements prescribed in this subpart. Each petition for exemption under this section must be filed in the manner and contain the information required by §§ 211.7 and 211.9 of this chapter.

FRA estimates that it will receive approximately one (1) petition under the above requirement. It is estimated that it will take approximately 80 hours to complete each petition in the prescribed manner and forward it to FRA. Total annual burden for this requirement is 80 hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)	
Burden time per response:	80 hours	
Frequency of Response:	On occasion	
Annual number of Responses:	1 petition	
Annual Burden:		
		80 hours
Calculation:		1 petition x 80 hrs. = 80 hours

213.329 Curves, elevation and speed limitations.

A. Qualified equipment may be operated at curving speeds determined by the formula in paragraph (c) of this section, provided each specific class of equipment is approved for operation by the Federal Railroad Administration (FRA) and demonstrate that –

(1) When positioned on a track with uniform superelevation, E_a, reflecting the intended target cant deficiency, E_u, no wheel of the equipment unloads to a value of 60 percent or less of its static value on perfectly level track and the roll angle between the floor of the vehicle and the horizontal does not

exceed 5.7 degrees.

(2) When positioned on a track with a uniform 7-inch superelevation, no wheel unloads to a value less than 60% of its static value on perfectly level track and the angle, measured about the roll axis, between the floor of the vehicle and the horizontal does not exceed 8.6 degrees.

B. The track owner must notify the Federal Railroad Administrator no less than 30 calendar days prior to any proposed implementation of the higher curving speeds allowed when the "E_u" term, above, will exceed three inches. This notification must be in writing and must contain, at a minimum, the following information:

(i) A complete description of the class of equipment involved, including schematic diagrams of the suspension system and the location of the center of gravity above top of rail;

(ii) A complete description of the test procedure and instrumentation used to qualify the equipment and the maximum values for wheel unloading and roll angles which were observed during testing;

(iii) Procedures or standards in effect which relate to the maintenance of the suspension system for the particular class of equipment;

(iv) Identification of line segment on which the higher curving speeds are proposed to be implemented.

FRA estimates that it will receive approximately three (3) notifications under the above requirement. It is estimated that it will take approximately 40 hours to complete each notification and forward it to FRA. Total annual burden for this requirement is 120 hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	40 hours
Frequency of Response:	On occasion
Annual number of Responses:	3 notifications
Annual Burden:	

120 hours

Calculation: 3 notific

ations
x 40
hrs. =
120
hours

C. A track owner, or an operator of a passenger or commuter service, who provides passenger or commuter service over trackage of more than one track owner with the same class of equipment, may provide written notification to the Federal Railroad Administrator with the written consent of the other affected track owners.

FRA estimates that it will receive approximately three (3) notifications under the above requirement. It is estimated that it will take approximately 45 minutes to complete each notification and forward it to FRA. Total annual burden for this requirement is two (2) hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	45 minutes
Frequency of Response:	On occasion
Annual number of Responses:	3 notifications
Annual Burden:	

2 hours

Calculation:

3
notific
ations
x 45
min. =
2 hours

Total annual burden for this entire requirement is 122 hours (120 + 2).

213.333 Automated Vehicle Inspection Systems

(A) Track Geometry Measurement System

For track Class 7, a qualifying Track Geometry Measurement System (TGMS) vehicle shall be operated at least twice within 120 calendar days with not less than 30 days between inspections for Class 7 and shall be operated at least twice within 60 days with not less than 15 days between inspections for Classes 8 and 9.

(a) A qualifying TGMS must be capable of producing, no later than the day of the inspection, output reports that –

(1) Provide a continuous analog plot, on a constant-distance axis, of all measured track geometry parameters required in paragraph (c) of this section;

(2) Provide an exception report containing a systematic listing of all track geometry conditions which constitute an exception to the class of track over the segment surveyed.

The output reports required under paragraph (c) of this section must contain sufficient location identification information which enable field forces to easily locate indicated exceptions.

(b) The track owner shall maintain, for a period of one year following an inspection performed by a qualifying TGMS, copy of the analog plot and the exception printout for the track segment involved, and additional records which:

(1) Specify the date the inspection was made and the track segment involved; and

(2) Specify the location, remedial action taken, and the date thereof, for all listed exceptions to the class.

FRA estimates that it will receive approximately 18 reports under the above requirements. It is estimated that it will take approximately 20 hours to complete each required report. Total annual burden for this requirement is 360 hours.

Respondent Universe: 3 railroads (Amtrak, Metro North, + 1 possible future railroad)

Burden time per response: 20 hours
Frequency of Response: On occasion
Annual number of Responses: 18 reports
Annual Burden:

360 hours

Calculation: 18 reports x 20 hrs. = 360 hours

(B) Track/Vehicle Performance Measurement System

(a) Each track owner shall have in effect written procedures for the notification of track personnel when on-board accelerometers on trains in Classes 8 and 9 indicate a possible track-related condition.

Since only one (1) track owner (Amtrak) will have such a program of written procedures and since it has already been completed these written procedures, there is no additional burden associated with this requirement.

(b) For track Classes 7, 8 and 9, an instrumented car having dynamic response characteristics that are representative of other equipment assigned to service or a portable device that monitors on-board instrumentation on trains shall be operated over the track at the revenue speed profile at a frequency of at least twice within 60 days with not less than 15 days between inspections. The instrumented car or the portable device shall provide for the monitoring of vertically and laterally oriented accelerometers mounted on the sides of the car at locations corresponding to four feet above the floor at each corner of the car. In addition, accelerometers shall be mounted above an axle of each truck. If the carbody lateral, carbody vertical, truck frame lateral, and truck frame vertical safety limits are exceeded, speeds will be reduced until these vehicle/performance safety limits are not exceeded.

For track Classes 8 and 9, an instrumented car having dynamic response characteristics that are representative of other equipment assigned to service shall be operated over the track at the revenue speed profile annually with not less than 180 days between inspections. The instrumented car shall be equipped with instrumented wheel sets to measure wheel/rail forces. If the wheel/rail force limits are exceeded,

speeds will be reduced until these vehicle/performance safety limits are not exceeded.

The track owner shall maintain a copy of the most recent exception printouts for the inspections required under paragraph (1) and (2) above.

FRA estimates that approximately 13 exception printouts will be kept by railroads (track owners) under the above requirement. It is estimated that it will take approximately 20 hours to produce each printout. Total annual burden for this requirement is 260 hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	20 hours
Frequency of Response:	On occasion
Annual number of Responses:	13 printouts
Annual Burden:	

260 hours

Calculation: 13 printouts x 20 hrs. = 260 hours

Total annual burden for this entire requirement is 620 hours (360 + 260).

213.339 Inspection of rail in service.

A continuous search for internal defects must be made of all rail in track at least twice annually with not less than 120 days between inspections. Each defective rail must be marked with a highly visible marking on both sides of the web and base.

Currently, this is a usual and customary procedure practiced by all railroads and will not, therefore, impose any additional paperwork burden on them.

213.341 Initial inspection of new rail and welds.

The track owner shall provide for the initial inspection of newly manufactured rail, and for initial inspection of new welds made in either new or used rail. A track owner may demonstrate compliance with this section by providing for:

A. Mill inspection. A continuous inspection at the rail manufacturer's mill shall constitute compliance with the requirement for initial inspection of new rail, provided that the inspection equipment meets the applicable requirements specified in § 213.339. The track owner shall obtain a copy of the manufacturer's report of inspection and retain it as a record until the rail receives its first scheduled inspection under § 213.339.

FRA estimates that approximately two (2) reports will be retained by track owners under the above requirement. It is estimated that it will take approximately 16 hours to produce each report. Total annual burden for this requirement is 32 hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)	
Burden time per response:	16 hours	
Frequency of Response:	On occasion	
Annual number of Responses:	2 reports	
Annual Burden:		
		32 hours
Calculation:		2 reports x 16 hrs. = 32 hours

B. Welding plant inspection. A continuous inspection at a welding plant, if conducted in accordance with the provisions of paragraph (b) of this section, and accompanied by a plant operator's report of inspection which is retained as a record by the track owner, shall constitute compliance with the requirements for initial inspection of new rail and plant welds, or of new plant welds made in used

rail.

FRA estimates that approximately two (2) reports will be retained by track owners under the above requirement. It is estimated that it will take approximately 16 hours to produce each report. Total annual burden for this requirement is 32 hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	16 hours
Frequency of Response:	On occasion
Annual number of Responses:	2 reports
Annual Burden:	32 hours

Calculation: 2 reports x 16 hrs. = 32 hours

C. Inspection of field welds. Initial inspection of field welds, either those joining the ends of CWR strings or those made for isolated repairs, shall be conducted not less than one day and not more than 30 days after the welds have been made. The initial inspection may be conducted by means of portable test equipment. The track owner shall retain a record of such inspections until the welds receive their first scheduled inspection under § 213.339.

FRA estimates that approximately 125 records will be retained by track owners under the above requirement. It is estimated that it will take approximately 20 minutes to make each record. Total annual burden for this requirement is 42 hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	20 minutes
Frequency of Response:	On occasion
Annual number of Responses:	125 records
Annual Burden:	

42 hours

Calculation: 125 records x 20 min. = 42 hours

D. Each defective rail found during inspections conducted under paragraph (a) or (d) of this section must be marked with highly visible markings on both sides of the web and base, and the remedial action as appropriate under § 213.337 will apply.

Currently, this is a usual and customary procedure practiced by all railroads and will not, therefore, impose any additional paperwork burden on them.

Total annual burden for this entire requirement is 106 hours (32 + 32 + 42).

213.343 Continuous welded rail (CWR).

A. Each track owner with track constructed of CWR shall have in effect written procedures which address the installation, adjustment, maintenance and inspection of CWR, and a training program for the application of those procedures, which shall be submitted to the Federal Railroad Administration (FRA) within six months following the effective date of this rule.

This is a one-time requirement which has already been fulfilled. Consequently, there is no additional burden associated with this requirement.

B. The track owner shall have in effect a comprehensive training program for the application of these written CWR procedures, with provisions for periodic re-training, for those individuals designated under §213.305(c) of this part as qualified to supervise the installation, adjustment, and maintenance of CWR track and to perform inspections of CWR track.

This is a one-time requirement which has already been fulfilled. Consequently, there is no additional burden associated with this requirement.

C. The track owner shall prescribe recordkeeping requirements necessary to provide an adequate history of track constructed with CWR. At a minimum, these records must include:

(1) Rail temperature, location and date of CWR installations. This record shall be retained for at least one year; and
(2) A record of any CWR installation or maintenance work that does not conform with the written procedures. Such record must include the location of the rail and be maintained until the CWR is brought into conformance with such procedures.

FRA estimates that approximately 150 records will be kept by track owners under the above requirement. It is estimated that it will take approximately 10 minutes to make each record. Total annual burden for this requirement is 25 hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	10 minutes
Frequency of Response:	On occasion
Annual number of Responses:	150 records
Annual Burden:	25 hours

Calculation: 150 records x 10 min. = 25 hours

D. Track owners shall revise their CWR plans to include provisions for the inspection of joint bars in accordance with §§ 213.119(g) and 213.119 (i)(3).

The burden for this requirement is already covered under those of § 213.119(g) *and* § 213.119(i)(3), respectively. *Consequently, there is no additional burden associated*

with this requirement.

Total annual burden for this entire requirement is 25 hours.

213.345 Vehicle qualification testing.

At the end of test, when maximum safe operating speed is known along with permissible levels of cant deficiency, a test run will be made with the subject equipment over the entire route proposed for revenue service at the speeds the railroad will request FRA to approve for such service and a second run again at 10 mph above this speed. A report of the test procedures and results shall be submitted to FRA upon the completions of the tests. The test report shall include the design flange angle of the equipment which shall be used for the determination of the lateral to vertical wheel load safety limit for the track/vehicle interaction safety measurements required per § 213.333(l).

According to FRA engineers, vehicle qualification testing is an extensive process. It involves on-site testing (80 hours), data dissemination to prepare a report (160 hours), developing a test plan (160 hours), the associated lean test (80 hours), and contractor consultation (80 hours). Thus, to prepare the required report of test procedures and submit it to FRA, it will take approximately 560 hours.

FRA estimates that it will receive approximately two (2) reports of tests procedures and results under the above requirement. As noted above, it is estimated that it will take approximately 560 hours to complete each report. Total annual burden for this requirement is 1,120 hours.

Respondent Universe:	1 railroad (Amtrak)
Burden time per response:	560 hours
Frequency of Response:	On occasion
Annual number of Responses:	2 reports
Annual Burden:	
	1,120 hours
Calculation:	2 reports x 560 hrs. =

1,120
hours

§ 213.347 Automotive or Railroad Crossings at grade

If a train operation is projected at class 7 speed for a track segment that will include highway-rail grade crossings, the track owner must submit for FRA's approval a complete description of the proposed warning/barrier system to address the protection of highway traffic and high speed trains.

Respondent universe is one railroad (Amtrak). FRA estimates two (2) crossing protection plans will be submitted under the above requirement. It is estimated that each submission will take approximately eight (8) hours to complete. Total annual burden for this requirement is 16 hours.

Respondent Universe:	1 railroad (Amtrak)
Burden time per response:	8 hours
Frequency of Response:	One-time
One-time Responses:	2 protection plans
One-time Burden:	16 hours

Calculation: 2 plans x 8 hrs. = 16 hours

213.353 Turnouts and crossovers, generally.

For all turnouts and crossovers, and lift assemblies or other transition devices on moveable bridges, the track owner must prepare an inspection and maintenance Guidebook for use by railroad employees which shall be submitted to the Federal Railroad Administration. The Guidebook must contain at a minimum:

(1) Inspection frequency and methodology including limiting measurement values for all components subject to wear or requiring adjustment.

(2) Maintenance techniques.

Respondent universe is one (1) railroad (Amtrak). Since this requirement has already been fulfilled, there is no additional burden associated with it.

213.361 Right of Way

The track owner in Class 8 and 9 shall submit a barrier plan, termed a "right-of-way plan", to the Federal Railroad Administration (FRA) for approval. At a minimum, the plan will contain provisions in areas of demonstrated need for the prevention of –

(1) Vandalism;

(2) Launching of objects from overhead bridges or structures into the path of trains;

(3) Intrusion of vehicles from adjacent rights of way.

Respondent universe is one (1) railroad (Amtrak). Since this requirement has already been fulfilled, there is no additional burden associated with it.

213.369 Inspection records.

(A) Each owner of track to which this part applies shall keep a record of each inspection required to be performed on that track under this subpart.

Except as provided in paragraph (e) of this section, each record of an inspection under § 213.365 shall be prepared on the day the inspection is made and signed by the person making the inspection. Records must specify the track inspected, date of inspection, location and nature of any deviation from the requirements of this part, and the remedial action taken by the person making the inspection.

FRA estimates that approximately 500 records will be kept by track owners under the above requirement. It is estimated that it will take approximately one (1) minute to record the required information. Total annual burden for this requirement is eight (8) hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	1 minute
Frequency of Response:	On occasion
Annual number of Responses:	500 records
Annual Burden:	

8 hours

Calculation: 500 records x 1 min. = 8 hours

(B) The owner shall designate the location(s) where each original record shall be maintained for at least one year after the inspection covered by the record. The owner shall also designate one location, within 100 miles of each state in which they conduct operations, where copies of records which apply to those operations are either maintained or can be viewed following 10 days notice by the Federal Railroad Administration.

Respondent universe is two (2) railroads (Amtrak and Metro North). Since this requirement has already been fulfilled, there is no additional burden associated with it.

(C) Rail inspection records must specify the date of inspection, the location and nature of any internal defects found, the remedial action taken and the date thereof, and the location of any intervals of track not tested per § 213.339(d). The owner shall retain a rail inspection record for at least two years after the inspection and for one year after remedial action is taken.

FRA estimates that approximately 50 records will be retained by track owners under the above requirement. It is estimated that it will take approximately five (5) minutes to record the required information. Total annual burden for this requirement is four (4) hours.

Respondent Universe:	2 railroads (Amtrak & Metro North)
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	50 records
Annual Burden:	4 hours

Calculation: 50 records x 5

min. =
4 hours

Total annual burden for this requirement is 12 hours (8 + 4).

Total annual burden for this entire information collection is 1,957,927 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 E PRACTICES.**

As noted in the previous submission, there are no additional costs to respondents other than the hour burden costs.

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.

FRA's cost for CWR requirements (based on FY 2009 Federal Government Pay Schedule plus 75% overhead):

1. $41,992 - 464 hours for FRA staff to review 240 procedures (which describe the scheduling and conduct of physical track inspections to detect cracks and other incipient failures in CWR). The cost for FRA reviewing staff is equally divided between GS-13s and GS-14s.

2. $70,280 - 840 hours for FRA staff to review seven (7) letters and seven (7) alternate procedures. The cost for FRA reviewing staff is equally divided between GS-12s, GS-13s, and GS-14s.

3. $980,000 -14,000 hours for FRA inspectors to review additional CWR joint inspection data in required records. The cost for FRA inspectors is calculated at the GS-12 level.

Total CWR Costs = **$1,092,272**

Additionally, FRA's cost for GRMS requirements (based on FY 2005 Federal Government Pay Schedule plus 40% overhead):

1. $4,058 - 16 hours for 2 GS-14s to review technical data + 30 hours for 2 GS-13s to

review notifications.

2. $420 - 6 hours for one GS-12 to review training programs.

Total GRMS Costs = **$4,478**

Grand Cost Total to Federal Government = **$1,096,750**

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

The total burden has increased by 253,283 hours from the previous submission. The increase is the result of both **program changes** and **adjustments**. The following requirements reflect **program change** *increases*:

(1) Under the new § 213.7(c), FRA added requirements regarding written authorizations and recorded examinations (*see* (c)(1)-(c)(3)). This change *increased* the burden by *93,333 hours*.

(2) Under the new § 213.7(c), FRA added requirements regarding comprehensive CWR training by railroad employees (*see* (c)(4)). This change *increased* the burden by *120,000 hours*.

(3) Under § 213.118 (a)-(c) (formerly the introductory paragraph of 213.119), FRA changed/amended the requirement regarding CWR plans. This change *increased* the burden by *2,912 hours*.

(4) Under § 213.118 (d), FRA added a new provision that railroads/track owners must advise FRA and all affected employees in writing of the effective date of its CWR plan upon FRA's approval or conditional approval of the plan. This new requirement *increased* the burden by *2,849 hours*.

(5) Under § 213.118 (e),(formerly 213.119), FRA added a new provision which allows railroads to respond to agency disapproval of CWR plans with written submissions. This change *increased* the burden by *40 hours*.

(6) Also under § 213.118(e), FRA added a new provision which requires railroads to amend their CWR plans within 30 days of agency final disapproval. This change *increased* the burden by *20 hours*.

(7) Under § 213.119(i), FRA amended the requirement to add annual CWR training for railroad employees. This change *increased* the burden by *40,000 hours*.

(8) Under § 213.119(k), FRA added a new requirement concerning CWR procedures manuals. This change *increased* the burden by *40 hours*.

Thus, **program changes** *increased* the burden by a total of *259,194 hours*.

There were **adjustments** that also *increased* the burden. They are as follows:

(1) Under § 213.233, FRA increased its estimate of the number of notifications (from 2,500 to 12,500). This change in estimate *increased* the burden by *166 hours* (from 42 hours to 208 hours).

(2) Under § 213.317, FRA increased its estimate of the average time it takes to complete a waiver petition (from 24 hours to 80 hours). This change in estimate *increased* the burden by *56 hours* (from 24 hours to 80 hours).

(3) Under § 213.341A, FRA increased its estimate of the average time it takes to complete the required report (from 8 hours to 16 hours). This change in estimate *increased* the burden by *16 hours* (from 16 hours to 32 hours).

(4) Under § 213.341B, FRA increased its estimate of the average time it takes to complete the required report (from 8 hours to 16 hours). This change in estimate *increased* the burden by *16 hours* (from 16 hours to 32 hours).

(5) Under § 213.345A, FRA increased its estimate to test and qualify vehicles (based on discussions with FRA engineers) (from 16 hours to 560 hours). This change in estimate *increased* the burden by *1,088 hours* (from 32 hours to 1,120 hours).

Thus, **adjustments** *increased* the burden by a total of *1,342 hours*. Overall, **program changes** and **adjustments** *increased* the burden by a total of *260,536 hours*.

There were also **adjustments** which *decreased* the burden. They are as follows:

(1) Under § 213.110, FRA revised its estimate of the number of notifications and technical reports that will be completed (from 10 notifications + 2 technical reports to 5 notifications + 1 technical report). This change in estimate *decreased* the burden by *eight (8) hours* (from 16 hours to 8 hours).

(2) Under the current § 213.119(h)(1-6)(formerly § 213.119 (g)(1-6)), the earlier one-time requirement for amending procedural documents was fulfilled. This change *decreased* the burden by *320 hours*.

(3) Under the current § 213.119(h)(8)(formerly § 213.119 (g)(8)), the earlier one-time requirement for track owners to seek FRA approval for alternate procedures for inspection of rail joints was fulfilled. This change *decreased* the burden by *6,675 hours*.

(4) Under the current § 213.119(i)(formerly § 213.119 (h)), FRA revised its estimate of the average time to develop comprehensive CWR training programs (from 2 hours + 12 hours to 1 hour). This change in estimate *decreased* the burden by *250 hours* (from 490 hours to 240 hours).

Thus, **adjustments** *decreased* the burden by *7,253 hours*. Overall, **adjustments** *decreased* the burden by *5,911 hours*.

The current OMB inventory shows a total burden of 1,704,644 hours, while the present submission exhibits a total burden of 1,957,927 hours. Hence, there is a total increase of 253,283 hours.

There is no change in cost 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.

There will be no publications 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. The collection of information enhances rail safety by ensuring that adequate procedures are in place to detect and correct defects in continuous welded rail (CWR) track, particularly regarding defects involving rail joints in CWR. Without this collection of information, there would be no way that FRA could ensure that railroads/track owners develop procedures (or alternate procedures) which describe the scheduling and conduct of physical track inspections to detect cracks and other indications of incipient failure in CWR. Without such procedures, railroads would have no thorough and systematic way to examine CWR track and detect any of the following: (i) joint bars with visible or otherwise detectable cracks; (ii) loose, or bent, or missing joint bolts; (iii) rail end batter or mismatch that contributes to impact loads and instability of the joint; and (iv) evidence of excessive longitudinal rail movement in or near the joint, including – but not limited to – wide rail gap, defective joint bolts, or displaced anchors. Such defects could lead to an increased number of derailments, with corresponding increased casualties, if left undiscovered and uncorrected.

Without the Fracture Reports required in this collection of information, FRA would have no means to monitor and evaluate whether railroads are carrying out the necessary inspections and taking appropriate corrective actions when CWR joint cracks or breaks are discovered. Also, without the data provided by these Fracture Reports, FRA would have no way to determine whether the inspection methods and inspection frequencies are appropriate or should be varied.

Also, without this collection of information, FRA would have no way to ensure that railroad personnel are adequately and properly trained to detect CWR defects. Without the required procedural documents and records mandated by § 213.119, FRA could not know whether railroad employees understand the conditions of potential joint failure for which they must inspect, as well as the necessary remedial actions that they must take after encountering such defects, and the agency could not verify that these inspections were actually carried out. This would be a serious handicap to the railroads and FRA's efforts to improve rail safety.

The collection of information enhances rail safety by reducing the likelihood of wide-gage derailments and corresponding injuries to railroad personnel and passengers, as well as resulting property damage. Presently, the maintenance decisions which determine crosstie and rail fastener replacement within the industry rely heavily on visual inspections made by maintenance personnel whose subjective knowledge is based on varying degrees of experience and training. The subjective nature of these inspections

sometimes results in inconsistent determinations about the ability of individual crossties and rail fasteners to maintain adequate gage restraint. GRMS technology offers a better, more objective method to determine the ability of crossties and rail fasteners to maintain adequate gage restraint. It is widely known within the rail industry that crossties of questionable condition which are left too long can cause wide-gage derailments. By collecting the required GRMS information, FRA can ensure that Gage Restraint Measurement Systems (GRMS) technology is implemented on appropriate segments of track on a regional - and eventually a national - basis; that GRMS design requirements have been met; that GRMS vehicles have been properly calibrated so that the integrity of the data they provide is maintained; and that suitable GRMS training programs have been established by track owners so that persons fully qualified under §213.7 are properly trained in this new technology. With the new technology, suspect crossties and rail fasteners can be replaced in a more timely fashion, reducing the number of wide-gage derailments. This undoubtedly will make rail travel safer.

Other information collected and reviewed by FRA as a result of the Track Safety Standards, in particular written records, enhance rail safety by ensuring that track owners designate only qualified persons to inspect and maintain track, and to supervise restorations and renewals of track under traffic conditions. The list of qualified persons to inspect or repair track is updated as new employees become qualified. These individuals must be able to demonstrate to track owners that they have the necessary experience and knowledge so that they can detect deviations from the requirements of this Part and prescribe appropriate remedial action to correct or safely compensate for those deviations. Each designated individual, including contractor personnel engaged by the track owner, must have written authorization from the track owner to prescribe remedial actions, and must have successfully completed a recorded examination. Consequently, these persons will better be able to identify rail defects and rail mismatches; determine the condition of crossties; evaluate track surface and alignment; ascertain gage restraint; and discern the maximum distance between rail ends over which trains may be allowed to pass. This, in turn, will serve to reduce the number of accidents/incidents and corresponding injuries, deaths, and property damage.

Additionally, inspection records are used by Federal and State investigators in the enforcement of the Track Safety Standards, and thus help promote rail safety. Track inspection records must indicate which track(s) are traversed by a vehicle that allows qualified persons to visually inspect the structure for compliance with this Part and which track(s) are inspected by foot. Records must be prepared on the day the inspection is made and must be signed by the person making the inspection. Further, records must specify the track inspected, date of inspection, location and nature of any deviation from the requirements of Part 213, the location of any intervals of track not tested per section 213.237(d), and the remedial action taken by the person making the inspection. Track owners are required to retain inspection records for at least two years after the inspection and for one year after the remedial action is taken. Track inspection records are an integral part of FRA's rail safety program, and serve to ensure that defects are detected

promptly and necessary remedial actions are taken in a timely fashion.

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