

**SUPPORTING JUSTIFICATION**  
**49 CFR, Part 215**  
**Designation of Qualified Persons**

**1. Circumstances that make collection of the information necessary.**

This collection of information is a request for an extension without change of a currently approved submission. There are no changes to the estimates of the last approved submission. Also, the requirements of the relevant section of 49 CFR 215 remain unchanged.

Background

Under the Federal Railroad Safety Act of 1970, the Federal Railroad Administration promulgated the Freight Car Safety Standards -- 49 CFR Part 215. These standards require each railroad to conduct regular inspections and take necessary remedial action relative to repairs or movement for repairs of defective railroad freight cars. Under Part 215.11, railroads are required to designate persons qualified to inspect freight cars for compliance with Part 215 and persons who shall determine restrictions on movements of defective cars. Inspectors are designated as qualified to inspect freight cars to ensure that the cars receive a full and accurate inspection for compliance with Part 215. Under "Movement of Defective Cars for Repair," designated inspectors are necessary to determine what repairs are necessary for defective freight cars. Repairs to railroad freight cars are divided into two categories. "Running" or light repairs are confined to defects to freight cars requiring movement of equipment and repair personnel to the freight car's location. The freight car's defect or damage repairs can be performed at that location. The second category is specialized or heavy repairs. The freight car must be moved to a location where specialized equipment is located. This type of movement for repairs involves freight cars that may not be safely moved without precaution. The movement must be authorized by an employee knowledgeable about equipment limitations, which might include speed, track structure, curvature or other conditions that normally would not be of concern.

**2. How, by whom, and for what purpose the information is to be used.**

The collection of information is used by FRA to verify that all freight car inspections are conducted by persons qualified to do the following: (1) Identify defective equipment; (2) Determine necessary remedial action; and (3) Authorize, when necessary, the safe movement of defective equipment. Each person designated under this section must have demonstrated to the railroad a knowledge and ability to inspect railroad freight cars for compliance with the requirements of this Part, in particular to make the determinations required by § 215.9 of this Part relating to the movement of defective freight cars for

repair. Careful review of railroads written records ensures that railroad personnel are properly designated and qualified, and prevents the creation of unsafe conditions by improper or unnecessary movement of defective equipment for repairs.

**3. Extent of automated information collection.**

FRA strongly endorses and highly encourages the use of advanced information technology, wherever possible, to reduce burden. This is especially true of electronic recordkeeping, which FRA has encouraged the railroads to adopt for many years now. Although the current regulation specifies that railroads keep written records of designated persons who are qualified to inspect freight cars for compliance with Part 215 and persons who shall determine restrictions on movements of defective cars, FRA is fully cognizant both of the requirements of the Paperwork Reduction Act of 1995 and the Government Paperwork Elimination Act of 1998. As a result, FRA is currently developing a Notice of Proposed Rulemaking on electronic recordkeeping that it hopes to publish later this year.

It should be noted that the information collection requirements of this rule and the resulting burden are already extremely minimal.

**4. Efforts to identify duplication.**

To our knowledge, this information is not duplicated anywhere.

Similar data are not available from any other source.

**5. Efforts to minimize the burden on small businesses.**

FRA believes the impact on small railroads will be very slight. In fact, the turnover of inspectors on small railroads is so small that it is almost unnecessary to make changes to the qualified inspector list.

Again, it should be noted that the burden for this information collection is already extremely minimal.

**6. Impact of less frequent collection of information.**

If this information were not collected or collected less frequently, national rail safety could be jeopardized. In particular, unqualified persons might not identify defective freight cars and consequently permit the movement of defective equipment. This could lead to increased numbers of accidents/incidents, particularly derailments and collisions, with corresponding injuries, deaths, and property damage.

It should be noted that the information is collected only when there is a change in the list of qualified inspectors. Collecting it less frequently would mean not collecting the information at all. This would have a negative impact on the safe movement of freight cars, as well as a negative impact on FRA's overall rail safety program.

7. **Special circumstances.**

This is not a routine submission that must be regularly submitted to FRA. As noted above, the requirement must be performed only after the carrier has designated persons qualified to inspect railroad freight cars for defects, or when the carrier seeks to make a change in the list of qualified inspectors.

All information collection requirements are in compliance with this section.

8. **Compliance with 5 CFR 1320.8.**

In accordance with the Paperwork Reduction Act of 1995, Pub.L. No.104-13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. §§ 3501-3520), and its implementing regulations, 5 C.F.R. Part 1320, FRA published a notice in the Federal Register on December 16, 2009 (*see* 74 FR 66722), soliciting public comments on these information collection requirements. FRA received no comments in response to this notice.

Background

On January 28, 1974, a Notice of Proposed Rulemaking (NPRM) was published in the Federal Register (*see* 34 FR 3567) and written comments were requested.

Persons outside the agency were consulted prior to the final rule on July 11, 1974, (*see* 39 FR 35496), as amended, December 31, 1979, (*see* 44 FR 77340), and on April 21, 1980, (*see* 45 FR 26710).

9. **Payments or gifts to respondents.**

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

10. **Assurance of confidentiality.**

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

11. **Justification for any questions of a sensitive nature.**

No sensitive information is requested, or provided.

**12. Estimate of burden hours for information collected.**

§ 215.11 - Designated Inspectors

(a) Each railroad that operates railroad freight cars to which this part applies must designate persons qualified to inspect railroad freight cars for compliance with this part and to make the determinations required by § 215.9 of this part.

(b) Each person designated under this section must have demonstrated to the railroad a knowledge and ability to inspect railroad freight cars for compliance with the requirements of this part and to make the determinations required by § 215.9 of this part.

(c) With respect to designations under this section, each railroad must maintain written records of: (1) Each designation in effect; and (2) The basis for each designation.

There are approximately 687 railroads that comprise the respondent universe. The record consists of the names of those persons qualified to inspect freight cars and the basis for that designation. The requirement is complied with by most railroads by use of a seniority roster that shows the names and promotion dates for the inspectors from training or apprenticeship programs. Turnover rate for these inspectors is not more than five (5) percent per year. FRA estimates that there are approximately 25,000 total inspectors in the rail industry. Turnover or new designations are no more than 1,200 per year. It is estimated that it takes approximately two (2) minutes per response to make the proper designation. Total annual burden for this requirement is 40 hours.

Respondent Universe:	687 railroads
Burden time per response:	2 minutes
Frequency of Response:	On occasion
Annual number of Responses:	1,200 records
Annual Burden:	40 hours

**Calculation:** 1,200 records x 2 min. = 40 hours

Total annual burden for this entire requirement is 40 hours.

Total annual burden for this entire information collection is 40 hours.

**13. Estimate of total annual costs to respondents.**

There is no additional cost to the respondents outside of the hourly burden estimate mentioned above under Item 12.

**14. Estimate of Cost to Federal Government.**

There is no cost to the Federal Government involving this information collection activity as inspectors perform records review as part of their routine duties.

**15. Explanation of program changes and adjustments.**

There has been no change in the total burden hours from the last approved information collection submission. Consequently, there are no adjustments or program changes to account for in this submission.

Additionally, there is no change in cost to respondents.

**16. Publication of results of data collection.**

There is no tabulation, collection, or publication of responses.

**17. Approval for not displaying the expiration date for OMB approval.**

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

**18. Exception to certification statement.**

No exceptions are taken at this time.

### Meeting Department of Transportation (DOT) Strategic Goals

This information collection supports the top DOT strategic goal, namely transportation safety. Without this collection of information, national rail safety might be significantly jeopardized. Specifically, unqualified persons might be placed in positions where they did not properly inspect and identify defective equipment and, as a consequence, defective freight cars were left unrepaired and allowed to be moved. This could lead to increased numbers of accidents/incidents, particularly derailments and collisions, with corresponding injuries, deaths, and property damage. The records required to be kept by railroads provide the basis for an employee's designation and ensure that only persons who are qualified inspect railroad freight cars. These records are updated whenever there is a change in the list of qualified inspectors. Thus, this information collection furthers both the top DOT strategic goal and FRA's primary mission of rail safety.

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