

SUPPORTING JUSTIFICATION
Stenciling Reporting Mark on Freight Cars
OMB No. 2130-0520

Summary of Submission

- This submission is a request for a three-year extension without change of the previous (temporary) approval granted by OMB on November 9, 2009, until June 30, 2010.
- The total number of burden hours requested for this submission is **18,750 hours**.
- Total number of responses is **25,000**.
- **The answer to question **number 12** itemizes the hourly burden associated with each requirement of this rule (See p. 4).
- Per the November 9, 2009, Notice of Action, FRA is providing the required supplementary document that belongs to that earlier submission in a separate Word file attachment.

1. Circumstances that make collection of the information necessary.

Background

On October 16, 1970, Congress enacted Public Law 96-458, the Federal Railroad Safety Act of 1970 (now 49 U.S.C. 20103). This Act gave the Secretary of Transportation the authority to prescribe as necessary appropriate rules, regulations, orders, and standards for all areas of railroad safety.

The second standards promulgated by FRA under the authority of this Act were the Federal Freight Car Safety Standards (49 CFR 215). The standards require each railroad to inspect freight cars placed in a train and take the necessary remedial action when defects are found. FRA enforces the regulations by monitoring the railroad's compliance activities using FRA field personnel and/or qualified inspectors.

The railroad industry and private car owners have for years – for their own benefit – provided their reporting mark and car number to all cars of their ownership. Title 49 CFR Section 215.301 sets forth certain restrictions that have to be observed by railroad carriers and private car owners relative to identification marks on railroad equipment. Among these restrictions are those requiring that a reporting mark, car number, and built date shall be stenciled, or otherwise displayed, in clearly legible letters and numbers not less than seven inches high, except those of the built date which shall not be less than one inch on each side of each railroad freight car body. In the case of a tank car, the required

information must be stenciled or otherwise displayed in any location that is visible to a person walking at track level beside the car. It is of vital importance that this requirement be complied with to provide identification of freight cars.

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

This is not a true information collection activity per se. The stenciling is used by the railroad carriers, railroad employees, and FRA to identify railroad freight cars. The information is used by railroads to move trains safely and efficiently. The information is used by railroad workers to properly identify railroad freight cars so that they can take necessary safety measures to protect themselves while facilitating the daily movement of freight trains throughout this country. The information is used by FRA inspectors during the routine performance of their inspection and enforcement duties.

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

Over the years, FRA has strongly encouraged and highly endorsed the use of advanced information technology, wherever possible, to reduce burden on respondents. In consideration of the specific use of identifying freight cars by stenciling, FRA has not been advised of any improved technology that is currently available that would supersede stenciling to reduce the burden on respondents.

It should be mentioned that the burden for this information collection is already fairly minimal.

4. **Efforts to identify duplication.**

There is no known duplication of this method of identifying freight cars. A car is stenciled when it is built or rebuilt, and this process is not repeated unless the car ownership changes or the stenciling becomes illegible or graffiti marked.

Similar data are not available from any other source.

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

There are no known methods that are used, or can be used, at the present time to minimize burden. The burden varies considerably, based on the number of new cars purchased by railroads or older cars owned by them. The major or larger carriers purchase/own the great majority of freight cars and thus experience a greater burden, while smaller carriers will be less affected and have a much smaller burden.

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

6. Impact of less frequent collection of information.

As noted earlier, this is not a true information collection activity per se. The stenciling is only required when a freight car is built or rebuilt, car ownership changes, or if the stencil becomes illegible or graffiti marked and needs to be repainted/stenciled. Without reporting marks on both sides, extra employees would be needed in order to identify cars entering trains yards. This would be costly and inefficient for railroads. The other option would be for an employee to attempt to identify entering freight cars on his/her own. It would be extremely dangerous to have anyone jump between cars in train yards just to identify cars. Thus, without this collection of information (the required reporting marks), railroad workers would be exposed to greater risk of injuries – perhaps even death – in trying to identify freight cars.

Presently, there is no other means available that can be used to properly mark freight cars with the required information and that would also reduce burden. The burden associated with this information collection is fairly minimal.

7. Special circumstances.

All information collection requirements are in compliance with this section.

8. Compliance with 5 CFR 1320.8.

As required by the Paperwork Reduction Act of 1995, FRA published a notice in the Federal Register on April 2, 2010, soliciting comment on this particular information collection. *75 FR 16896*. FRA received no comments in response to this notice.

Background

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

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 the Federal Railroad Administration pledges no confidentiality.

11. Justification for any questions of a sensitive nature.

No sensitive information, or information of a private nature is requested.

12. Estimate of burden hours for information collected.

Note: According to the latest agency data, there are approximately 728 railroads now operating in the United States.

215.301 - Stenciling - General

The railroad or private car owner reporting mark, the car number, and built date shall be stenciled, or otherwise displayed, in clearly legible letters and numbers not less than seven inches high, except those of the built date which shall not be less than one inch high: (a) On each side of each railroad freight car body; and (b) In the case of a tank car, in any location that is visible to a person walking at track level beside the car.

This is not an information collection per se. This stenciling requirement includes all freight cars; however, the stenciling is only applied when new cars are built or when cars are rebuilt, car ownership changes, or if the stenciling should become illegible.

Over the next three years, FRA estimates that an average of approximately 25,000 cars annually that are older where the reporting mark is illegible or that are graffiti marked will need to be repainted/stenciled. It is estimated that it takes approximately 45 minutes to repaint/apply the required stencils. Total annual burden for this requirement is 18,750 hours.

Respondent Universe:

728
railroads

Burden time per response:

45
minute
s

Frequency of Response: On Occasion

Annual number of Responses: 25,000 freight cars repainted/stenciled

Annual Burden: 18,750 hours

Calculation: 25,000 freight cars repainted/stenciled x 45 min. = 18,750 hours

Total annual burden for this entire information collection is 18,750 hours.

13. Estimate of total annual costs to respondents.

There are no other costs.

14. Estimate of Cost to Federal Government.

There is no cost to the Federal Government in connection with the stenciling requirement of § 215.301. Compliance is monitored during routine inspection activity.

15. Explanation of program changes and adjustments.

There is no change in burden or in responses from the last approved (temporary) submission granted by OMB on November 12, 2009.

There is no change in cost to respondents.

16. Publication of results of data collection.

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

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, rail safety in the U.S. would be seriously hindered. Specifically, railroad workers would be exposed to greater risks if they had to jump between cars in train yards in order to identify freight cars. Such action could result in a higher number of injuries and, perhaps, in additional deaths to railroad employees. The collection of information – the required reporting marks or stenciling – serves to promote safety by making freight cars easily identifiable, and thus eliminating an unnecessary risk to railroad workers. The collection of information then supports FRA's primary mission, which is to promote and enhance rail safety throughout the United States.

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