

SUPPORTING JUSTIFICATION – Part A

Alleged Violation Reporting Form (FRA F 680.151)

1. Circumstances that make collection of the information necessary.

Since its inception, FRA has worked diligently and persistently to develop and implement a comprehensive rail safety program with the goal of reducing rail accidents/incidents and corresponding injuries, fatalities, and property damage as much as humanly possible. To have an effective program, FRA collects, organizes, analyzes, and assesses data provided to it by railroads. The data collected from railroads is usually in conjunction with agency safety regulations, since this is the best means of maximizing the agency's limited number of inspectors while promoting and maintaining a safe rail environment. FRA also collects data from outside contractors who conduct surveys and studies for the agency to gain a better understanding of specific aspects of rail operations in this country.

The data collected allows FRA to target its limited resources in the most effective way possible and provided the means to refine and improve already established rail safety programs and to develop new and warranted safety programs. Although rail traffic in this country has been on an upward swing in terms of the number of rail miles traveled, the data collected by the agency over the last few years show positive trends regarding accidents/incidents. However, FRA is also seeking to lower these numbers in any way possible, and having extra eyes and ears to report possible or potential safety and hazardous materials regulatory violations to augment the outstanding job that its few hundred inspectors perform each and every day would further the agency goal to save lives and improve rail safety.

It is with this goal in mind that section 307(b) of The Rail Safety Improvement Act of 2008, came about. Public law 110-432 was signed by President George W. Bush on October 16, 2008, and mandates the Federal Railroad Administration (FRA) to "provide a mechanism for the public to submit written reports of potential violations of Federal railroad safety and hazardous materials transportation laws, regulations, and orders to the Federal Railroad Administration."

FRA has determined the collection of information related to the submission of alleged violation is best received by the proposed form. The form's structured format will allow FRA to track the progress of the alleged violation during the investigation process. This Congressional mandated form will provide the public with a vehicle to report alleged railroad safety and hazardous materials violations to FRA and thereby allow the public to actively participate in FRA's vital safety mission to regulate and improve railroad safety throughout the United States.

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

This is a new collection of information. The proposed collection of information will be used by FRA administrative staff and support contractors for tracking purposes to ensure a timely response, and by inspectors, specialists, and other pertinent staff for conducting investigations related to the alleged violations. FRA inspectors can promptly review and look into completed report forms filed by the members of the public to ascertain the nature and severity of the alleged violation. Accidents/incidents can have devastating effects both on rail travelers and surrounding communities as is evidenced by accidents such as the one that took place in Graniteville, South Carolina, on June 6, 2005, or the one that took place in Chatsworth, California, September 12, 2008. The Graniteville accident resulted from the collision of two Norfolk Southern (NS) trains, one of which was carrying chlorine gas and other dangerous chemicals. The chlorine gas was released in the collision, and, as a result, there were nine fatalities and 250 people were treated for chlorine exposures. Approximately 5,400 residents within one mile of the accident were forced to evacuate for two weeks while HAZMAT teams and cleanup crews decontaminated the area. Or the accident that took place on September 12, 2008, in which a Southern California Regional Rail Authority (Metrolink) commuter train collided with a Union Pacific (UP) freight train. This accident resulted in 25 deaths, the injury of numerous others, and more than \$7,105,500 in property damage.

The information collected by the Alleged Violation Reporting Form will be used by FRA and by railroads to spot problem areas and take necessary action to prevent potential accidents of the type just cited from occurring. FRA limited number of inspectors can only cover small areas and thus cannot be everywhere that their presence is needed. Having another resource – active public participation highlighting alleged safety and hazardous materials regulatory violations – will allow these inspectors to better focus their investigations and resolve reported problems that might prove harmful to rail safety.

3. Extent of automated information collection.

For many years, FRA has strongly endorsed and highly encouraged the use of advanced information technology, wherever possible, to reduce burden. In particular, FRA has strongly advocated electronic recordkeeping on the part of railroads and, where feasible, electronic reporting. Section 307(b) of the Rail Safety Improvement Act of 2008 mandates that FRA provide the alleged violation submission process on the home page of the agency's Website.

To meet this requirement, FRA will automate the information collection instrument (new form) once it is approved by OMB. Thus, the public submission process to the agency will through completely electronic means.

4. **Efforts to identify duplication.**

This is a new collection of information mandated by Congress and is unique. Presently, no public or private entity collects information relating to violations of Federal rail safety and hazardous materials regulations provided by the public.

Similar data are not available from any other source.

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

The information to be collected does not involve small businesses.

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

If FRA were unable to collect the proposed information or collect it less frequently, the agency would be unable to fulfill a Congressional mandate. As noted previously, the proposed collection of information is required by Section 307(b) of the Rail Safety Improvement Act of 2008. If FRA did not collect the proposed information by providing a mechanism for members of the public to report alleged violations of Federal rail safety and hazardous materials regulations, it would be non-compliant with Section 307(b).

Moreover, without the proposed collection of information, FRA would be deprived of a new and important previously untapped resource to monitor rail safety throughout the nation. FRA has very limited resources both in terms of finances and staff. The agency only has a few hundred inspectors to review railroad industry practices and enforce Federal rail safety regulations. Clearly, they can only be in a few places. Members of the public are everywhere, and highly interested in the welfare of their communities. Reporting alleged violations by members of the public would provide the agency with countless eyes and ears concerning potential rail problems that would normally go unnoticed and with no necessary action taken. These potential problem areas could lead to increased accidents/incidents and associated injuries, fatalities, and property damage if not looked into and any necessary action taken. The proposed collection of information provides FRA with a potential multiplier effect in terms of rail safety monitoring. It behooves the agency to take advantage of this unique opportunity endorsed by the U.S. Congress.

In sum, the proposed collection of information aids FRA in its mission of making rail transportation as safe as humanly possible.

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 8, 2010, soliciting comment on this particular collection of information. 75 FR 18012. FRA received no comments in response to this notice.

9. Payments or gifts to respondents.

There are no monetary payments provided or gifts made to respondents associated with this proposed collection of information.

10. Assurance of confidentiality.

FRA fully complies with the Privacy Act of 1974 and other laws pertaining to privacy and the security of privacy data. Information collected as part of this information collection is used by FRA staff and government contractors to ensure all submissions of alleged violations are responded to in a timely manner and that FRA can gather appropriate details about the alleged violation for its investigation process.

11. Justification for any questions of a sensitive nature.

There are no questions or information of a sensitive nature, or data that would normally be considered private matters contained in this proposed collection of information.

12. Estimate of burden hours for information collected.

Form	Number of Respondents	Number of Responses per Respondent	Time per Response	Total Burden in Hours
FRA F 6180.151 Alleged Violation Reporting Form	400	1	10 min	67

Note: A five-year average of the number of alleged violations received by FRA was used to calculate the estimated number of respondents.

13. Estimate of total annual costs to respondents.

Other than the cost associated in question number 12 above, there will be no additional cost to the respondents of this form.

14. Estimate of Cost to Federal Government.

There is no additional cost to the Federal Government in connection with these information collection requirements. Reports of alleged violation are investigated by FRA inspectors as part of their regular enforcement activities.

15. Explanation of program changes and adjustments.

These are new information collection requirements. By definition, the entire burden is a program change.

16. Publication of results of data collection.

The results of this information collection will not be published. The information is collected only for the purpose of investigating alleged violations submitted by the public.

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

FRA is not seeking exemption from displaying the expiration date for OMB approval.

18. Exception to certification statement.

No exceptions are requested 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, FRA would lose a unique opportunity to help reduce the number and severity of railroad accident/incidents, and corresponding number of injuries and fatalities that occur each year because dangerous rail practices or operations went unnoticed and unreported. By availing itself of this new and untapped public resource related to the reporting of alleged violations of Federal rail safety and hazardous materials regulations, FRA can better direct and focus its limited inspection/investigation staff to look into potentially serious rail problem areas and take necessary measures to avert accidents/incidents that so often leave families and communities devastated.

Members of the public are everywhere, and highly interested in the welfare of their communities. They can act as public watchdogs regarding rail practices and rail operations where they live. FRA's inspection staff can only be in a very limited number of places. However, with the public acting as a multiplier force, they can be in places that previously have gone unobserved. An alert public can report potential accident/incidents, and the agency can prioritize these reports and send out FRA inspectors to look into situations and take action, where necessary. Previously, such situations would have led to a rail accident/incident and corresponding injuries and loss of life because needed attention and action were not provided.

In sum, this collection of information supports both DOT's top mission and FRA's mission, which is to promote and enhance rail safety throughout the United States.

As always, FRA seeks to do its utmost to fulfill DOT Strategic Goals and to be an integral part of One DOT.