

**SUPPORTING JUSTIFICATION
RAILROAD POWER BRAKES AND DRAWBARS
49 CFR Part 232**

- 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.**

Since the inception of automatic air brakes by George Westinghouse in the 1870s, brake signal propagation has been limited by the nature of air and the speed of sound. Other adjustments have sought to alleviate this deficiency, but have left the system unaltered. As early as 1990, the Association of American Railroads (AAR) began investigating more advanced braking concepts for freight railroads, including electronically controlled pneumatic (ECP) brake systems, which promise to radically improve brake propagation by using electrical transmissions of the braking signal through the train while still using air pressure in the cylinder to apply the force of the brake shoe. During the past 15 years, ECP brake technology has progressed rapidly and has been field tested and used on trains operating in revenue service by various railroads.

The ECP brake system fundamentally improves the operation of the automatic air brake by using electrical transmissions to signal the application and release of brakes on each car in a train while still using compressed air to apply the force of the brake shoe against the wheel. ECP brakes also greatly simplify the brake system by eliminating multiple pneumatic valves used by conventional brakes and replacing them with a printed circuit board with microprocessor, one electrically activated application valve, and one electrically activated release valve, with feedback on brake cylinder pressure for control. The ECP brake system can identify various faults, including, but not limited to, low brake pipe pressure, low reservoir pressure, low cable voltage, low battery charge, incorrect brake cylinder pressure, and offline or cut out car control devices (CCDs). Emergency or full service brake applications automatically occur when ECP brake software detects certain faults.

FRA has been an active and consistent advocate of ECP brake system implementation. In 1997, FRA participated in an AAR initiative to develop ECP brake standards and, in 1999, FRA funded, through Transportation Technology Center, Inc., a Failure Modes, Effects, and Criticality Analysis (FMECA) of ECP brake systems based on AAR standards (*Standards and Recommended Practices*, S-4200 Series). The FMECA results confirmed that the ECP brake concept offers the potential for improved performance, reliability, and safety over that of conventional pneumatic brake systems. Notably, it determined that a train with 85 percent operative ECP brakes will have better stopping

distances than a conventional pneumatic braked train with 100 percent operative brakes. Furthermore, ECP brake system technology provides the ability to continuously monitor the real time status of the braking system on each car in a train. This allows a locomotive engineer to always know the exact status of the train's braking system.

FRA also took part in programs to develop and enhance advanced components for ECP brake systems. After all these efforts, FRA has decided that the AAR S-4200 Series of standards are appropriate substantively and legally for adoption in this final rule. FRA concludes that the advantages of ECP brake technology will significantly improve the safety and the performance of train operations.

The Federal Railroad Administration (FRA) is responsible for the administration of the Safety Appliance Acts (49 U.S.C. 20301-20306, superseding 45 U.S.C.1-14, 16) and the Locomotive Inspection Act (49 U.S.C. 20701-20703, superseding 45 U.S.C. Sections 22-34). The Safety Appliance Acts deal with safety appliances on railroad equipment, one of which is the power brake. The Locomotive Inspection Act deals with the inspection, testing, and maintenance of locomotives and their parts and appurtenances. Under the provisions of 49 CFR Parts 229 and 232, FRA promulgates the rules and regulations pertaining to the installation, inspection, maintenance and repair of power brakes and related equipment.

On September 3, 1992, Section 7 of the Rail Safety Enforcement and Review Act (RSERA), Pub. L No. 102-365, amended Section 202 of the Federal Railroad Safety Act (FRSA) of 1970 (codified at 49 U.S.C. 20141, superseding 45 U.S.C. 431®), by adding a new subsection related to power brake safety which states:

- (1) POWER BRAKE SAFETY- (1) The Secretary shall conduct a review of the Department of Transportation's rules with respect to railroad power brakes, and not later than December 31, 1993, shall revise such rules based on such safety data as may be presented during that review.
- (2) In carrying out paragraph (1), the Secretary shall, where applicable, prescribe standards regarding dynamic brake equipment.

In this rule, FRA is issuing revisions to the regulations governing freight power brakes and equipment by adding a new subpart addressing electronically controlled pneumatic (ECP) brake systems. The revisions are designed to provide for and encourage the safe implementation and use of new ECP brake system technologies. The revisions contain specific requirements relating to design, interoperability, training, inspection, testing, handling defective equipment, and periodic maintenance related to ECP brake systems. The final rule also identifies provisions of the existing regulations and statutes where FRA is proposing to provide flexibility to facilitate the introduction of this advanced brake system technology.

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.**

There are five new sections in the final rule relating to ECP brakes that contain additional information collection requirements. FRA will review the new information collected under § 232.603 concerning railroad petitions/applications for alternate standards for freight cars or freight trains equipped with an ECP brake system to ensure that these freight cars/freight trains meet, at a minimum, the industry standards contained in the *AAR Manual of Standards and Recommended Practices* for such new technology, thereby helping to ensure that these freight cars/freight trains are operated safely, and efficiently, as well as to ensure that such trains can be operated interoperably with freight cars/freight trains equipped with conventional pneumatic brakes.

Also under § 232.603, FRA will review railroads' ECP brake configuration management plans to ensure that they meet the AAR standard incorporated by reference in this section. FRA believes that sound configuration management plans of ECP brake system hardware and software components are essential to the interchangeability, interoperability, compatibility, and continued proper and safe operation of ECP brake systems. Compatibility of ECP hardware and software will have a direct affect on the safety and reliability of ECP brake systems running on the Nation's railroads.

Further, under § 232.603, FRA will review written requests for modification of ECP brake system standards to ensure that such requests meet the procedural requirements stipulated in § 232.307 and to ensure that it is safe and in the public interest to grant such requests. Such written requests will facilitate the introduction of new technologies by eliminating the need to go through the pre-revenue testing procedures contained in Subpart F of Part 232.

Under § 232.605, FRA will review railroad training, qualification, and designation programs submitted to the agency to ensure that railroads/contractors adopt and fully update their training, qualification, and designation programs to include ECP brake system operations. FRA will review these programs to ensure that railroad and contract personnel responsible for performing brake system inspections, tests, and maintenance on ECP brake systems are trained, tested, and designated in accordance with the requirements contained in § 232.203 on the ECP brake systems that they will inspect, test, and maintain. Similarly, FRA will review amended locomotive engineer certification programs to ensure that locomotive engineers possess the specific knowledge, skills, and ability to safely operate locomotives and other equipment with ECP brake systems and that they are fully trained in the operating rules governing safe handling procedures of such equipment. Thus, FRA will use the information required by § 232.203 related to ECP brake systems to ensure that railroads fully comply with the training and qualification plans they adopt as they apply to ECP brake operations.

Particularly useful in ensuring compliance will be the requirement that railroads must maintain adequate records to demonstrate the current qualification status of its personnel assigned to inspect, test, or maintain trains with ECP brake systems. FRA will carefully review such documentation, which will allow the agency to judge the effectiveness of the training provided; such information will furnish FRA with the ability to independently assess whether the training provided to a specific individual adequately addresses the skills and knowledge required to perform the tasks that person is deemed qualified to perform. These records may be maintained either electronically or in writing, and must be provided to FRA upon request.

Under § 232.607, the required information will be used by both by locomotive engineers/train crews and by FRA. Locomotive engineers and train crews will use this information to operate ECP trains safely, since they will be provided with practical knowledge that a freight car with ECP brakes is in proper working condition and is capable of traveling to its destination with minimal problems en route. In particular, the Class I brake test information will enable locomotive engineers/train crews to know when the train they are operating is due attention for testing and inspection purposes, thereby enhancing the continued safe operation of the train. FRA inspectors will use this information to ensure railroads and train crews comply with Federal safety regulations. In the event of an accident/incident, FRA investigators will have ready access to vital information about the date, time, number of freight cars inspected, the identity of the qualified person(s) performing the test, and the location where the Class I brake test was performed. Such information will prove extremely valuable in helping to determine the cause(s) of the accident/incident and in preventing future occurrences of such accidents/incidents.

Under § 232.609, the required tagging information will be used by train crews and other railroad personnel to ensure the safe operation and proper movement of ECP trains and to reduce the likelihood of accident/incidents that might otherwise occur if this equipment were not suitably tagged. This information will also be used by FRA safety inspectors to ensure compliance with Federal regulations. Further, the information regarding written procedures governing the movement of defective freight cars equipped with ECP brake systems will be used by railroad personnel as a uniform or standard operating procedure to ensure their protection while they are moving such equipment and thus will serve to minimize the possibility of future accidents/incidents caused by the movement of defective equipment on cars and trains equipped with ECP brake systems or trains operating in ECP brake mode. FRA will review these procedures to ensure that they meet Federal safety standards and that they provide the necessary protection to train crews and other railroad personnel when defective equipment is moved.

Under § 232.611, FRA will review the periodic maintenance inspection records of freight cars with ECP brake systems to ensure that railroads are consistently conducting the necessary periodic maintenance for such equipment and that affected railroads are fully complying with Federal safety regulations in order that these trains are operated safely

throughout the country. FRA will review railroads' periodic single car brake test procedures to ensure that these test procedures are comprehensive, complete, and safe to follow and to ensure that railroads actually follow them once the agency has approved them. FRA will review single car air brake test records on freight cars retrofitted with a newly installed ECP brake system to make sure that these tests are routinely conducted by railroads prior to these cars being placed into revenue service and to ensure that such freight cars comply with Federal regulations and are safe to operate.

FRA uses waiver information to determine whether it is consistent with railroad safety and in the public interest to grant exemptions to railroads concerning the requirements spelled out in this regulation.

Defective equipment is tagged with information prescribed in § 232.15. Railroads may use either a tag/card or an automated tracking system approved by FRA to identify defective locomotives/cars. The information is used both by FRA/State inspectors and by railroad workers. FRA/State inspectors use the information for compliance purposes, particularly during audits in order to verify that railroads are following the requirements set out in the rule. FRA/State inspectors use the information to ensure that defective cars/locomotives are moved properly; that they are moved to the correct destinations; and that necessary repairs are performed. Railroad workers use the information to identify the nature of the defect; to ensure that defective cars/locomotives are handled properly so that they are not unnecessarily injured during these movements; and to ensure that these defective cars/locomotives are moved to the proper/correct destinations and not beyond, thus avoiding unnecessary additional costs to their employers and higher safety risks to the public and to themselves that such mistakes would bring. Also, railroad workers use defective tags/cards to notify the person in charge of the train in which the car or locomotive is to be moved and all other crew members of the presence of the defective car/locomotive and to inform them of the maximum speed and other restrictions that apply to the movement of these cars.

FRA reviews petitions for special approval of an alternative standard to determine whether the proposed alternative can be substituted for a particular requirement(s) of this Part. Specifically, FRA reviews these petitions for special approval to ensure that appropriate data or analysis, or both, are provided for the agency to consider in determining whether the alternative standard proposed by the railroad will provide at least an equivalent level of safety to FRA's regulation. FRA also reviews these petitions for special approval of an alternative standard and accompanying documents to ensure that the railroad includes a statement affirming that a copy of the petition has been served on designated representatives of the railroad's employees. FRA also reviews these accompanying documents to confirm that a list of the names and addresses of the persons served by the railroad is included. FRA seeks to ensure that railroad employee representatives and railroad employees are kept fully informed concerning decisions affecting their health and safety.

With one exception, all railroad cars are required to have a legible stencil, sticker, or badge plate affixed to the car displaying the permissible brake cylinder piston travel range for the car at Class I brake tests and the length at which the piston travel renders the brake ineffective, if different from Class I brake test limits. Train crews and mechanics performing brake system inspections use this information to determine when a freight car's air brakes are not in effective operating condition based on piston travel. This information is essential in order for qualified railroad personnel to properly perform the brake inspections required by this regulation because of the growing number of cars with other than standard brake designs.

FRA reviews railroad plans to monitor all yard air sources (other than locomotives) to ensure that railroads have set up a method by which they can verify that yard air sources operate as intended and do not introduce contaminants into the brake system of freight equipment. The required monitoring plan mandates that railroads inspect each yard air source at least two times per calendar year – no less than five months apart – to ensure it operates as intended and does not introduce contaminants into the brake system of the equipment it services and thereby jeopardize the effectiveness of the brake system to stop the car. Each monitoring plan must also identify yard air sources found not to be operating as intended or found introducing contaminants into the brake system of the equipment it services. Additionally, each monitoring plan must provide for repair or other remedial action concerning any yard air source identified as not operating as intended or found introducing contaminants into freight car brake systems. Finally, each monitoring plan must provide for the maintenance of records relating to yard air sources found not to be operating as intended or found introducing contaminants into the brake system. FRA reviews these records during routine inspections and audits to verify railroads are complying with this regulation, particularly that they are implementing their monitoring program and take the necessary steps to maintain and promote rail safety. These records must be maintained for at least one year from the date of creation.

Locomotive engineers are required to be informed of the operational status of the dynamic brakes on all locomotive units in the consist at the initial terminal or point of origin for a train and at other locations where a locomotive engineer first begins operation of the train. This information must be maintained in written or electronic form in the cab of the locomotive, and is reviewed by the locomotive engineer so that he/she knows the operational status of the dynamic brakes on all locomotives in the consist at the initial terminal or point of origin where he/she first takes charge of the train. Locomotive engineers use this information to operate the train in the safest and most efficient manner possible. Moreover, all dynamic brakes found to be inoperative must be tagged, and must be repaired within 30 calendar days of becoming inoperative or at the locomotive's next periodic inspection, whichever comes first. Train crews use this information to ensure that a locomotive with inoperative, or deactivated dynamic brakes is not placed in the controlling/lead position of a consist, unless the locomotive has the capability of controlling the dynamic braking effort in the trailing locomotives in the consist that are so equipped and unless the locomotive has the capability of displaying to the locomotive

engineer the deceleration rate of the train or the total dynamic brake retarding force.

FRA reviews required railroad written operating rules relating to operating trains with dynamic brake systems to ensure that railroads have developed appropriate written operating rules governing safe train handling procedures using dynamic brakes under all operating conditions. These operating rules must be tailored to the specific equipment and territory of the railroad. The required operating rules are used by railroads/their employees and enable them to analyze the safety impacts of the various ways to handle potentially dangerous situations. The railroad's operating rules must ensure that friction brakes are sufficient by themselves, without the aid of dynamic brakes, to stop the train under all operating conditions, and must include a miles-per-hour-overspeed-top rule. At a minimum, each miles-per-hour-overspeed-top rule must require that any train, when descending a grade of one percent or greater, shall be immediately brought to a stop, by an emergency brake application if necessary, when the train's speed exceeds the maximum authorized for that train by more than five miles per hour. FRA reviews railroads' operating rules to confirm that enough necessary forethought is exerted to develop necessary procedures so as to potentially pre-empt many mistakes that cause dangerous situations to occur.

Train brake system maintenance standards are used by railroads both as a training tool to qualify new train brake system inspectors and as a check list for supervisors performing spot checks of train brake system maintenance work.

Training records are used by railroads to demonstrate that individuals responsible for train brake system inspection, maintenance, and tests meet the minimum qualification requirements enumerated in the rule. FRA reviews training records to make sure that railroads have developed or incorporated a training curriculum that includes classroom and "hands-on" lessons necessary to impart the skills and knowledge necessary for their employees to perform tasks for which they will be/are responsible. FRA also reviews these records to ensure that railroads provide periodic refresher training at an interval not to exceed three years that includes both classroom and "hands-on" training, as well as efficiency testing. FRA examines these records with a special focus on the qualifications of train crew members to assure brake inspections and tests are properly performed in order to protect both the public and railroad employees from the operation of equipment that does not meet Federal standards. FRA strictly scrutinizes the method and length of time spent by these individuals in the performance of required inspections. FRA believes the training and qualification requirements provide FRA with the ability to independently assess whether the training provided to a specific individual adequately addresses the tasks for which the individual is deemed capable of performing, and serves to prevent potential abuses by railroads to use insufficiently trained individuals to perform the necessary inspections, tests, and maintenance required by this rule. Additionally, railroads use these records to inform and keep up-to-date employees and/or contractors on their current qualification status. Since most railroads already voluntarily keep employee training records, this requirement supplements an existing practice.

FRA requires Class I brake tests (initial terminal inspection), Class IA brake tests (1,000 mile inspection), and Class II brake tests (intermediate inspections) be performed and the qualified person performing the “roll-by” inspection communicate the results of the inspection to the operator of the train. Locomotive engineers and train crews use the “roll-by” inspection information to determine when the train they are operating is due attention for testing and inspection purposes, thus enhancing the continued safe operation of the train. To have a train operate without these tests being performed could create an unsafe condition and risk the safety of the general public and railroad employees.

Railroad employees use the required single car test due date stenciling (a form of recordkeeping) to ascertain when a car's next scheduled single car test is due. Railroad employees use required the end-of-train device stenciling (again a form of recordkeeping) to ascertain when a two-way end-of-train device is due for calibration.

For extended haul trains, FRA requires the performance of an inbound inspection at destination or at 1,500 miles, and requires carriers to maintain records of all defective conditions discovered on these trains for a period of one year. Railroads must maintain a record of all defective, inoperative, or ineffective brakes, as well as any conditions not in compliance with Parts 215 and 231 of this Chapter discovered at any time during the movement of the train. FRA uses these records to enhance the agency’s ability to independently monitor railroads’ operation of these type of trains. FRA also uses these records to assess the quality of a railroad’s inspection practices and to help FRA identify any systematic brake or mechanical problems that may result from these types of operations.

Finally, FRA requires special approval for new brake system technology by the Associate Administrator for Safety and reviews railroads’ plans before implementation to ensure that all safety risks have been reduced to a level that permits the new brake system technology to be used in revenue service.

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 possible, to reduce burden on respondents. In the final revisions to the power brake regulations regarding ECP brakes that add §§ 232.605, 232.607, 232.609, and 232.611, FRA has again provided an electronic option to reduce burden on railroads. Under § 232.605, the required railroad and contractor records relating to the

training of employees who perform inspection, testing, and maintenance of ECP brake systems may be kept either in writing or electronically.

Under § 232.607, a freight train operating in ECP brake mode must receive a Class I brake test as described in § 232.205(e) by a qualified mechanical inspector. The railroad is required to notify the locomotive engineer that the Class I brake test has been satisfactorily performed, and a written or electronic record of the required information must be retained in the cab of the controlling locomotive until the train reaches its destination. Also, under this section, each car and each solid block of cars not equipped with an ECP brake system that is added to a train operating in ECP mode must receive a visual inspection to ensure that it is properly placed in the train and safe to operate in accordance with the provisions contained in § 232.15. These provisions stipulate that defective equipment must be tagged on both sides of the equipment or locomotive and in the cab of the controlling locomotive or, in lieu of a tag or card, the required information placed in an automated tracking system approved for use by FRA. An electronic or written record or copy of each tag or card attached to or removed from a car or locomotive must be retained for 90 days.

Under § 232.609, a freight car equipped with an ECP brake system that is known to have arrived with ineffective or inoperative brakes at initial terminal of the next train which the car is to be included or at a location where a Class I brake test is required to be performed under § 232.607(b)(1) through (b)(3) must not depart that location with ineffective or inoperative brakes in a train operating in ECP mode unless the car is properly tagged in accordance with § 232.15(b). Also, a freight car equipped with only conventional pneumatic brakes must not move in a freight train operating in ECP brake mode unless it would otherwise have effective and operative brakes if it were part of a conventional pneumatic brake equipped train or could be moved from the location in defective condition under the provisions contained in § 232.15 and is tagged in accordance with § 232.15. Also, a train operating with conventional pneumatic brakes must not operate with freight cars equipped with stand alone ECP brakes systems unless tagged in accordance with § 232.15(b). Again, in these situations, in lieu of a tag or card, an automated tracking system approved by FRA must be provided, and an electronic or written record or copy of each tag or card attached to or removed from a car or locomotive must be retained for 90 days.

Finally, under § 232.611, a single car brake test must be conducted in accordance with the procedure submitted and approved by FRA on each car retrofitted with a newly installed ECP brake system. These test results must be entered into AAR's electronic recordkeeping system called UMLER (Uniform Machine Language Register).

As noted in the previous submission, FRA increased the number of information collection requirements where railroads may avail themselves of the latest information technology, in particular electronic recordkeeping and automated tracking systems. For example, regarding the movement of conventional defective equipment/locomotives,

railroads have the option of using a tag/card, or an approved automated tracking system upon the discovery of the defect. Also, the records required to identify yard air sources found not to be operating as intended or found introducing contaminants into the brake system of the equipment it services may be kept electronically. Further, the records that must be kept regarding the operational status of the dynamic brakes on all locomotive units in the consist at the initial terminal or point of origin for a train and at other locations where a locomotive engineer first begins operation of a train may be kept in written or electronic form.

Additionally, the required record that must be maintained in the cab of the controlling locomotive to ensure that a train crew employed by a railroad is given accurate information on the condition of the train brake system and train factors affecting brake performance when the crew takes over responsibility for the train may be kept electronically. Moreover, the records regarding training under § 232.203(e) may be kept electronically. Under these two requirements, a railroad or contractor must maintain adequate records to demonstrate the current qualification status of all its personnel assigned to inspect, test, or maintain a train brake system. Likewise, concerning extended haul trains, the record required of railroads regarding all defective, inoperative, or ineffective brakes, as well as any conditions discovered at any time during the movement of the train that are not in compliance with Parts 215 and 231 of this Chapter, may be kept electronically.

The required records ensuring that Class I brake tests or single car tests were satisfactorily performed may be kept in a written or electronic format. In this rule, FRA has imposed extensive tagging requirements on freight cars which, due to the nature of the defective condition(s) detected, require a repair track brake test or single car test but which are moved from the location where repairs are performed prior to receiving the required test. As an alternative to the tagging requirements, FRA is allowing a railroad to use an automated tracking system to monitor these cars and ensure that they receive the requisite tests, provided the automated system is approved by FRA. Finally, under the inspection and testing of end-of-train devices section, the required record of notification to the locomotive engineer that a person other than a train crew member has successfully conducted a test of a two-way-end-of-train device may be kept electronically. (*Note: A total of 71 percent of all responses may be kept electronically.*)

As in its other rules, FRA has taken a flexible approach regarding the information collection requirements associated with this rule. Some railroads requested that they be allowed to keep required records electronically. FRA believes that it is up to each railroad to decide for itself the most appropriate method of recordkeeping, given its financial resources and staffing situations. In keeping with both the goals of the 1995 Paperwork Reduction Act (PRA) and the 1998 Government Paperwork Elimination Act (GPEA), FRA has sought to reduce burden, wherever possible, by permitting the use of an electronic or automated option in order to allow railroads to determine for themselves the most cost-effective and convenient method to fulfill the rule's paperwork

requirements.

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.

To our knowledge, this information is not duplicated anywhere.

Similar data is 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.

In its “size standards,” the United States Small Business Administration (SBA) stipulates a for-profit railroad may not have more than 1,500 employees for line-haul operating railroads and 500 employees for switching and terminal establishments to be considered a small entity. “Small entity” is defined in 5 U.S.C. § 601 as a small business concern that is independently owned and operated, and is not dominant in its field of operation. SBA’s size may be altered by Federal agencies upon consultation with SBA, and in conjunction with public comment.

Pursuant to that authority, FRA has published a final policy that classifies “small entities” as being railroads that meet the line haulage revenue requirements of a Class III railroad. Currently, the revenue requirements are \$20 million or less in annual operating revenue. The \$20-million limit is based on the Surface Transportation Board’s threshold of a Class III railroad carrier, which is adjusted by applying the railroad revenue deflator adjustment. The same dollar limit on revenues is established to determine whether a railroad shipper or contractor is a small entity.

The initial analysis of impacts on small entities concluded that this rule would not have a significant economic impact on a substantial number of small entities. In order to determine the significance of the economic impact for the final rule’s Regulatory Flexibility Act requirements, FRA invited comments from all interested parties concerning data and information regarding the potential economic impacts caused by the proposed rule. FRA did not receive any comments or data.

The impacts from the final rule are primarily a result of the conversion to ECP brake technology. These costs include locomotive crew and inspector training, freight car conversion costs, and locomotive conversion costs. The major reporting or recordkeeping requirements in this rulemaking are for ECP original equipment brake manufacturers (OEMs). The primary OEMs of ECP brakes are large corporations that are already in the air brake market, and are not considered small entities. Railroads are

required to identify repair locations for ECP brake trains. Locomotive engineer training on ECP brake equipment require records and certifications. However, since no small railroads are anticipated to purchase ECP brake technology, these requirements are not anticipated to impact small entities

The Analysis of Impact on Small Entities (AISE) developed in connection with this final rule concludes that the rule will impact only four American Class I or large railroads and that it will **not** have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act or Executive Order 13272. FRA has so certified this conclusion. The factual basis for this certification is that the rule is voluntary. Therefore, the rulemaking does not impose direct costs on small railroads. Only the four large Class I railroads previously mentioned are likely to take advantage of the regulatory relief that the ECP brakes final rule provides.

6. DESCRIBE THE CONSEQUENCE TO FEDERAL PROGRAM OR POLICY ACTIVITIES IF THE COLLECTION IS NOT CONDUCTED OR IS CONDUCTED LESS FREQUENTLY, AS WELL AS ANY TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN.

If this information were not collected or collected less frequently, the safety of rail freight operations in the United States would be greatly jeopardized. Specifically, without the proposed collection of information regarding ECP brakes, railroads and contractors might not adopt and comply with a training, qualification, and designation program for their employees who perform inspection, testing, or maintenance of freight cars or freight trains with ECP brake systems. Without railroads adopting such a training program and fully implementing it so that their employees receive comprehensive training on ECP brakes, railroad employees would not have the skills, knowledge, and hands-on experience necessary to enable them to operate this type of equipment safely. If such equipment were not properly inspected, tested, and maintained, there might be an increased number of accident/incidents, with corresponding injuries and fatalities, because unsafe locomotives and freight cars were placed in service. Also, without the required training program, locomotive engineers and conductors would not have the knowledge, skills, and hands-on familiarity to safely handle locomotives and freight trains equipped with ECP brakes or locomotives/freight trains operating in ECP brake mode. Improper or faulty train handling could lead to increased accidents/incidents and greater casualties on the nation's rails. Additionally, without the proposed collection of information, FRA would have no means to ensure that railroads and contractors periodically assess the effectiveness of their ECP brakes training program. Without a periodic effectiveness assessment of their training programs, railroads and contractors might be inadequately or improperly training their employees on ECP brakes. This could directly lead to more accidents/incidents and corresponding casualties involving locomotives and freight cars equipped with ECP brakes or such equipment operating in ECP mode.

Without the proposed collection of information, FRA would have no means of determining whether railroads amended their operating rules to cover freight cars or freight trains equipped with an ECP brake system. Without such revised operating rules, train crews – and other railroad employees – would not have the readily available information they need to safely handle this type of equipment under all operating conditions. Failure by train crews/rail employees to understand or properly follow ECP operating rules could result in a derailment, collision, or other serious type of accident/incident leading to grave injuries and perhaps fatalities to themselves and to members of the public at large.

Without the proposed collection of information, there would be no way for FRA to ensure that freight trains operating in ECP mode receive the required Class I brake test or that a car equipped with an ECP brake system that is added to a train operating in ECP mode receive the required Class I brake test. Without this necessary brake test, ECP equipped freight cars and trains could be unsafe to operate and could become involved in a derailment, collision, or other type of accident/incident. Also, without the proposed collection of information, there would be no way for FRA to know that each car or solid block of cars not equipped with an ECP brake system that is added to a train receives the necessary visual inspection to ensure that it is properly placed in the train and, if found defective, is properly tagged on both sides or, in lieu of a tag or card, placed in an automated tracking system in accordance with the provision contained in § 232.15. Again, such an omission could lead to an accident/incident because the condition of this equipment was not known and not passed on to the locomotive engineer/train crew or because the freight car or block of cars was not properly tagged to alert other rail employees.

Finally, without the required inspection records in the proposed collection of information, FRA would have no way to verify that the periodic maintenance requirements contained in § 232.303(b)-(d) relating to the inspection of freight cars equipped with an ECP brake system were fulfilled according to Federal safety requirements. In the event of an accident/incident, these records would be essential to any investigation seeking to determine exactly what transpired.

Without this collection of information, locomotive engineers would not be informed of the operational status of the dynamic brakes on all conventional locomotive units in the consist at the initial terminal or point of origin for a train, or at other locations where they first take charge of a train. Consequently, they could take charge of a train with a defective locomotive(s) and cars, and would not be aware of this and other necessary restrictions that they ought to follow. This could lead to dangerous train handling situations and to an increase in the number of rail accidents/incidents and associated injuries/fatalities to crew members, as well as increased property damage. Also, if this information collection were not collected, yard air sources would not be monitored to ensure that they operate as intended. As a result, contaminants could be introduced into

the brake system of freight equipment which could affect the functioning of the brakes and thus negatively impact railroad safety.

Without this collection of information, FRA could not ensure that train crews have written procedures that provide critical data regarding an array of factors which affect train performance. These procedures provide each train crew coming on duty with such information as the weight and length of the train (based on the best information available to the railroad); any special weight distribution that would require special train handling practices; the number of and location of cars with cut-out or otherwise ineffective brakes and the location where they will be repaired; if a Class I or Class IA brake test is required prior to the next crew change point, the location at which that test will be performed; and any train system brake problems encountered by the previous crew of the train. These written procedures then are essential in providing data which help train crews avoid potentially dangerous train handling situations. They also enable railroads to comply with various Federal safety standards.

If this information were not collected or collected less frequently, FRA could not ensure that necessary brake inspections, tests, and repairs are completed. Consequently, the discovery and correction of minor defects would not occur in time to prevent them from becoming major defects and the source of rail accident/incidents. Also, without this information collection, FRA could not ensure that railroads adopt and implement a training, qualification, and designation program for employees and contractors who perform conventional brake system inspections, tests, and maintenance. Having unqualified employees work on conventional freight brake systems would endanger the safety of train crews, the general public, and the intact delivery of train cargo.

In sum, this collection of information advances the mission of FRA, which is to ensure, enhance, and promote safety throughout the U.S. rail system.

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 STATUTE 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.**

All information collection requirements contained in this rule 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 a Notice of Proposed Rulemaking (NPRM) in the Federal Register on September 4, 2007, soliciting comment from the public/interested parties on the proposed rule and associated collection of information. See 72 FR 50820. Following publication of the NPRM in the Federal Register, FRA held a public hearing in Washington, D.C., on October 4, 2007, and a public hearing in conjunction with a public technical roundtable in the Chicago, IL, area on October 19, 2007. The purpose of the hearing was to receive oral comments regarding specific provisions in the proposed rule and to receive evidence and to develop findings to determine whether FRA should invoke its discretionary authority under 49 U.S.C. § 20306 to provide a limited exemption from § 20303 for freight trains and freight cars operating with ECP brake systems. The hearings were attended by numerous railroads, organizations representing railroads, labor organizations, and brake manufacturers. Although the comment period officially closed November 5, 2007, FRA continued to receive comments on the NPRM into January 2008.

FRA received substantial oral and written testimony at the hearings and written comments to the NPRM from approximately a dozen interested parties. Among the commenters were the following:

American Association of Justice (AAJ)
American Association of Railroads (AAR)
Brotherhood of Locomotive Engineers and Trainmen (BLET)
Brotherhood of Railway Carmen Division (B.C.)
New York Airbrake (NAB)
Norfolk Southern Corporation (NS)
Transport Workers Union of America (TWO)
Union Pacific Railroad Company (UP)
United Transportation Union (UTU)
Wabtec Railway Electronics (Wabtec).

In the various comments submitted, there were none that specifically pertained to the burden cost and burden hour estimates detailed in the NPRM. FRA did receive comments, however, regarding the rule's information collection requirements. In relation to the issue of ECP brake system configuration management plans under § 232.603, FRA received comments from BLET at the public hearing and written comments in response to FRA's notice seeking comment on AAR Standard S-4270. At the hearing, BLET stated that configuration management plans must conform to the requirements of Part 236, Subpart H. According to BLET, "There is a strong likelihood that the majority of

the routes over which ECP will be deployed also will see the implementation of positive train control (PTC). Given the manner in which PTC will enforce speeds and authorities, the ECP head-end unit and its associated appurtenances will become a core element of the PTC system.” In its written comments, BLET added, “We continue to believe that – to the extent ECP-equipped trains operate on routes where PTC has been or will be installed – the ECP technology is a processor-based train control system. Braking algorithms for speed and authority enforcement for ECP-equipped trains will differ significantly from those utilized for conventionally-braked trains.”

FRA understands BLET’s contention to be that, if an ECP brake system “is considered a core element of PTC system” or “is a train control system,” then it must comply with the configuration management requirements contained in Part 236, Subpart H, 905(b)(4). While FRA acknowledges the importance of configuration management, it does not agree the ECP brake systems must conform to the requirements of Part 236, Subpart H. Although ECP brakes may have a significant impact on the safety case prepared under Part 236, Subpart H for train control systems, FRA does not consider the brake system, standing alone, to constitute a train control system.

BLET also commented on § 232.603(e). Paragraph (e) provides flexibility for the introduction of new technologies by providing for possible exceptions from the requirements of Subpart F of this Part. BLET objects to exempting railroad operators from the requirements of Subpart F. According to BLET, the pre-revenue service acceptance testing requirements set forth in Subpart F provide data and other information that is necessary in order to safely regulate the technology. BLET also asserts that “FRA does not propose an exception be granted if testing or demonstration is conducted pursuant to an AAR standard that has been incorporated by reference after being subject to public review and comment. Rather, FRA proposes a lower requirement, that the testing/demonstration standard only be FRA-recognized.”

Subpart F of Part 232 contains general requirements for introducing new brake system technologies. More specifically, it requires a pre-revenue acceptance testing plan. As FRA views existing ECP brake system technology to be a fully mature and well tested technology, FRA disagrees with BLET on this issue and does not believe the provisions contained in Subpart F are applicable to this technology. When Subpart F was originally added to Part 232, ECP brake technology was just beginning to gain prominence. Since that time, experience with the technology is far more developed and the technology is being used on many different trains around the world. Moreover, FRA believes that requiring ECP brake systems to initially and continually comply with a FRA approved standard and to be approved in accordance with AAR’s approval procedures prior to being placed in service obviates the need for existing ECP brake system technology to comply with the requirements under Subpart F. Accordingly, paragraph (d)(2) provides for an exception to the requirements contained in Subpart F for freight trains and freight cars equipped with existing ECP brake system technology that has been conditionally or

finally approved by AAR in accordance with its approved procedures prior to the effective date of the final rule. FRA has limited the exception to ECP brake system technologies approved by AAR as of the effective date of the final rule to provide an incentive for the industry to move the introduction of the technology along in a timely fashion.

There were also comments about the training requirements enunciated in § 232.605. Paragraph (a) of this section requires ECP brake operations to comply with § 232.203(f), which stipulates that each railroad or contractor adopt and comply with a plan to periodically assess the effectiveness of its training program. To ensure that affected employees receive timely, effective training related to ECP brake technology, UTU encouraged FRA to audit the training functions that are required under § 232.605. BLET agreed with UTU that FRA should reserve the right to audit such training programs and also proposes that training programs should be submitted to FRA for approval. AAR argued that the regulations should not require FRA approval of railroad training programs, since it would delay any changes that railroads might want to make.

FRA currently performs audits on the training provided to railroad employees and contractors under § 232.203. These audits examine the course content, learning objectives, testing methods, refresher training, and methods for ensuring the effectiveness of the training. FRA intends to continue to audit these training programs, including those for transportation and mechanical employees working with ECP brake operations. FRA does not require submission of training programs related to conventional brake operations for FRA approval and does not see a need to require a submission of training programs relating to ECP brake operations. Accordingly, paragraph (a) reflects this viewpoint.

Additionally, there were comments relating to the electronic tagging of defective ECP brake equipment under § 232.609(i). In the NPRM, FRA stated that, in order for an ECP brake system to provide electronic tagging of equipment with defective safety appliances, the ECP brake system must provide appropriate, constant, and accurate information to the crew via a display in the cab of the lead locomotive, and ensure that the information is securely stored and is accessible to FRA and appropriate operating and inspection personnel. BLET and AAR responded to this proposal with concerns relating to the secure storage of information requirement. According to BLET, any resolution of electronic recordkeeping issues should consider the solutions provided by the RSAC Locomotive Safety Standards Working Group. AAR noted that it did not believe it likely that an employee would seek to override the ECP software. In any event, AAR pointed out that, since there is no information security requirement for paper records, there is no reason to require information security for electronic records.

FRA agrees with BLET and AAR on this issue, and has not included the information security requirement in the final rule. However, the remainder of the proposal has been retained in the final rule. FRA continues to believe that electronic tag information must

be accessible for safety and oversight purposes. Paragraph (i) of this section makes clear that an automated tracking system approved for use by FRA must be capable of being reviewed and monitored by FRA at any time. The information should also be accessible to subsequent train crews that require notification of defects.

Further, there were comments pertaining to the written procedures spelled out in paragraph (j) of § 232.609. The procedures must comply with the related regulatory requirements, including those in the final rule. FRA expects each railroad to develop appropriate procedures regarding its handling and repair of defective equipment containing ECP brake systems or hauled in trains operating in ECP brake mode. BLET suggested the procedures governed by paragraph (j) should be filed with, rather than merely be made available to, FRA.

FRA has placed the burden on the railroads to be custodians of the information referenced in paragraph (j)(1). FRA only needs access to the information in certain situations, and does not require ownership or custodianship. Accordingly, FRA sees no need to expend its resources on receiving and maintaining such files. However, the information in paragraph (j)(2) must be filed with FRA for continual enforcement purposes. FRA can not be expected to enforce its rules relating to the handling of defective equipment without this information instantly and continually available. To ensure compliance with the requirements concerning the performance of ECP brake system repairs, paragraph (j)(2) requires railroads to submit to FRA, prior to operating ECP brake systems in revenue service, a list identifying locations where such repairs may be made. FRA believes that the list should encompass a sufficient number of locations to ensure that Class I brake tests are performed at appropriate intervals and that trains equipped with ECP brake systems do not travel further than their destination or 3,500 miles without being inspected and repaired at Class I brake test locations and repair facilities. If a railroad adds or removes any repair facility from its system, paragraph (j)(2) requires that the railroad amend or modify that list by timely notifying FRA of those changes at least 15 days in advance.

Finally, it should be noted that FRA carefully considered all the information, data and proposals submitted in relation to Docket No. FRA-2006-26175 when developing this final rule. FRA's knowledge and experience with enforcing the existing power brake regulations were also relied upon when developing 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 regulation.

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

REGULATION, OR AGENCY POLICY.

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

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

These requirements have nothing to do with sensitive matters.

- 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: Respondent universe is estimated at 559 railroads, and the number of American locomotives is estimated to be 30,000. The respondent universe for the new ECP Brake requirements (beginning with § 232.603) is estimated at four (4) railroads.

§ 229.27 Annual tests.

The load meter shall be tested. Each device used by the engineer for braking the train or locomotive that provides an indication of air pressure electronically shall be tested by comparison with a test gauge or self-test designed for this purpose. Errors of greater than five percent or three pounds per square inch, whichever is less, shall be corrected. The date and place of the test must be recorded on Form FRA F 6180.49A, and the person conducting the test and that person's supervisor must sign the form.

FRA estimates that approximately 30,000 load meters will be tested annually under this requirement. It is estimated that it will take approximately 15 minutes to perform the test, record the date and place of the test on form FRA F 6180.49A, and have the person conducting the test and his/her supervisor sign the form. Total annual burden for this requirement is 7,500 hours.

Respondent Universe:	30,000 locomotives
Burden time per response:	15 minutes
Frequency of Response:	Annually
Annual number of Responses:	30,000 tests/forms
Annual Burden Hours:	7,500 hours
<u>Calculation:</u>	30,000 tests/forms x 15 min. = 7,500 hours

§ 231.31 Drawbars for freight cars; standard height.

On railroads operating on track with a gage other than those contained in paragraphs (a) (1)-(a)(3), the maximum and minimum height of drawbars for freight cars operating on those railroads shall be established upon written approval of FRA.

FRA estimates that it will receive approximately zero (0) letters annually under this requirement. Consequently, there is no burden associated with this requirement.

§ 232.1 Scope

A railroad may request earlier application of the requirements contained in subpart A through C and subpart F of this part upon written notification to FRA's Associate Administrator for Safety. Such request shall indicate the railroad's readiness and ability

to comply with all of the requirements contained in those subparts.

Since this provision no longer applies, there is no burden associated with this requirement.

§ 232.3 Applicability

Export, industrial, and other cars not owned by a railroad which are not to be used in service, except for movement as shipments on their own wheels to given destinations. Such cars shall be properly identified by a card attached to each side of the car, signed by the shipper, stating that such movement is being made under the authority of this paragraph.

FRA estimates that approximately four (4) cars/locomotives will need to be properly identified. A total of eight (8) cards then will be completed under this requirement. It is estimated that it will take approximately 10 minutes for each card to be completed and signed by the shipper. Total annual burden for this requirement is one (1) hour.

Respondent Universe:	559 railroads
Burden time per response:	10 minutes
Frequency of Response:	On occasion
Annual number of Responses:	8 cards
Annual Burden Hours:	

1 hour

Calculation: 8 cards x 10 min. = 1 hour

§ 232.7 Waivers.

- (a) Any person subject to a requirement of this part may petition the Administrator for a waiver of compliance with such requirement. The filing of such a petition does not affect that person's responsibility for compliance with that requirement while the petition is being considered.
- (b) 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 20 waivers annually under this requirement. It is estimated that it will take approximately 40 hours for the respondent to prepare the necessary data required for each petition and forward it to FRA. Total annual burden for this requirement is 800 hours.

Respondent Universe:	559 railroads
Burden time per response:	40 hours
Frequency of Response:	On occasion
Annual number of Responses:	20 petitions
Annual Burden Hours:	800 hours

Calculation: 20 petitions x 40 hrs. = 800 hours

§ 232.11 **Penalties**

Any person who knowingly and willfully falsifies a record or report required by this part may be subject to criminal penalties under 49 U.S.C. 21311.

FRA estimates that it will receive approximately one (1) falsified record/report required by this part annually. It is estimated that it will take approximately 10 minutes for a respondent to falsify a report/record. Total annual burden for this requirement is 10 minutes.

Respondent Universe:	559 railroads
Burden time per response:	10 minutes
Frequency of Response:	On occasion
Annual number of Responses:	1 falsified record/report
Annual Burden Hours:	.17 hour

Calculation: 1 falsified record/report x 10 min. = .17 hour

§ 232.15 **Movement of Defective Equipment.**

- A. At the place where the railroad first discovers the defect, a tag or card shall be placed on both sides of the defective equipment or locomotive and in the cab of the locomotive, or an automated tracking system approved for use by FRA shall be provided with the following information about the defective equipment:

- (i) The reporting mark and car or locomotive number;
- (ii) The name of the inspecting railroad;
- (iii) The name and job title of the inspector;
- (iv) The inspection location and date;
- (v) The nature of each defect;
- (vi) A description of any movement restrictions;
- (vii) The destination of the equipment where it will be repaired; and
- (viii) The signature, or electronic identification, of the person reporting the defective condition.

The tag or card required by paragraph (b)(1) of this section must remain affixed to the defective equipment until the necessary repairs have been performed.

An electronic or written record or copy of each tag or card attached to or removed from a car or locomotive must be retained for 90 days and, upon request, must be made available within 15 calendar days for inspection by FRA or State inspectors.

Each tag or card removed from a car or locomotive shall contain the date, location, reason for its removal, and the signature of the person who removed it from the piece of equipment.

Any automated tracking system approved by FRA to meet the tagging requirements contained in paragraph (b)(1) of this section could be reviewed and monitored by FRA at any time to ensure the integrity of the system. FRA's Associate Administrator for Safety may prohibit or revoke a railroad's ability to utilize an approved automated tracking system in lieu of tagging if FRA finds that the automated tracking system is not properly secure; is inaccessible to FRA or a railroad's employees; or fails to adequately track and monitor the movement of defective equipment. Such a determination will be made in writing, and will state the basis for such action.

FRA's current regulations on power brakes do not contain requirements pertaining to the movement of equipment with defective power brakes. The movement of equipment with these types of defects is currently controlled by a specific statutory provision originally enacted in 1910.

Under this requirement, FRA is proposing that all cars or locomotives found with defective or inoperative braking equipment be tagged as bad and ordered with a

designation of the location where the necessary repairs can and will be effectuated.

These requirements are very similar to the tagging requirements currently contained in Part 215 regarding the movement of equipment not in compliance with the Freight Car Safety Standards, and are generally consistent with how most railroads currently tag equipment found with defective brakes. FRA recognizes that the industry is attempting to develop some type of automated tracking system capable of retaining the information required by this section and tracking defective equipment electronically, which FRA envisions would be used on an industry-wide level. Consequently, FRA has expressly provided the option to use an automated tracking system, if it is approved by FRA. Currently, FRA has several concerns regarding the accessibility, reliability, and security of the system being considered by the industry, and would not approve such a system without having those concerns addressed.

FRA estimates that approximately 64,200 defective cars or locomotives will need tags under this requirement. It is estimated that it will take approximately 2.5 minutes to prepare each tag and place one on both sides of the defective equipment. Total annual burden for this requirement is 5,350 hours.

Respondent Universe:

1,620,000
cars/locomotives

Burden time per response:

2.5
minutes per tag

Frequency of Response:

On occasion

Annual number of Responses: 128,400 tags
Annual Burden Hours: 5,350 hours

Calculation: 128,400 tags x 2.5 min. = 5,350 hours

- B. The person in charge of the train in which the car or locomotive is to be moved must be

notified in writing and inform all other crew members of the presence of the defective car or locomotive and the maximum speed and other restrictions determined under paragraph (a)(11)(i)(B) of this section. A copy of the tag or card described in paragraph (b) of this section may be used to provide the notification required by this paragraph.

FRA estimates that approximately 25,000 written notices will be issued annually under this requirement. It is estimated that it will take approximately three (3) minutes to prepare the notice and provide it to the train crew members. Total annual burden for this requirement is 1,250 hours.

Respondent Universe:	1,620,000
	cars/locomotives
Burden time per response:	3 minutes
Frequency of Response:	On occasion
Annual number of Responses:	25,000 notices
Annual Burden Hours:	1,250 hours

Calculation: 25,000 notices x 3 min. = 1,250 hours

Total annual burden for this entire requirement is 6,600 hours (5,350 + 1,250).

§ 232.17 Special approval procedure.

The following procedures govern consideration and action upon requests for special approval of a plan under § 232.15(g); an alternative standard under § 232.305, § 232.603, or a single car test procedure under § 232.611; and pre-revenue service acceptance testing plans under subpart F of this part.

- A. Petitions for special approval of an alternative standard or test procedure. Each petition for special approval of a plan under § 232.15(g); an alternative standard under § 232.305 or § 232.603; or a single car test procedure under § 232.611 must contain—
- (1) The name, title, address, and telephone number of the primary person to be contacted with regard to review of the petition;
 - (2) The alternative standard or test procedure proposed, in detail, to be submitted for or to meet the particular requirement of this part;
 - (3) Appropriate data or analysis, or both, for FRA to consider in determining whether the alternative standard or test procedure will provide at least an equivalent level of safety or otherwise meet the requirements contained in this part;
 - (4) A statement affirming that the railroad has served a copy of the petition on

designated representatives of its employees, together with a list of the names and addresses of the persons served.

Each petition must be submitted in triplicate to the Associate Administrator for Safety, Federal Railroad Administration, 1200 New Jersey Ave., S.E., Washington, D.C. 20590.

FRA estimates that it will receive approximately four (4) petitions annually under this requirement. It is estimated that it will take each respondent approximately 100 hours to prepare its petition and forward it to FRA. Total annual burden for this requirement is 400 hours.

Respondent Universe:	559 railroads
Burden time per response:	100 hours
Frequency of Response:	On occasion
Annual number of Responses:	4 petitions
Annual Burden Hours:	400 hours

Calculation: 4 petition x 100 hrs. = 400 hours

B. Petitions for special approval of pre-revenue service acceptance testing plan. Each petition for special approval of a pre-revenue service acceptance testing plan must contain the following:

- (1) The name, title, address, and telephone number of the primary person to be contacted with regard to review of the petition;
- (2) The elements prescribed in § 232.505; and

Each petition must be submitted in triplicate to the Associate Administrator for Safety, Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590.

FRA estimates that it will receive approximately two (2) petitions annually under this requirement. It is estimated that it will take each respondent approximately 100 hours to prepare their petition and forward it to FRA. Total annual burden for this requirement is 200 hours.

Respondent Universe:	559 railroads
Burden time per response:	100 hours
Frequency of Response:	On occasion
Annual number of Responses:	2 petitions
Annual Burden Hours:	

200
hours

Calculation: 2 petitions x 100 hrs. = 200 hours

- C. (1) Service of each petition for special approval of an alternative standard under paragraph (b) of this section must be made on the following: (i) designated employee representatives responsible for the equipment's operation, inspection, testing, and maintenance under this part; (ii) any organizations or bodies that either issued the standard incorporated in the section(s) of the rule to which the special approval pertains or issued the alternative standard that is proposed in the petition; and (iii) any other person who has filed with FRA a current statement of interest in reviewing special approvals under the particular requirement of this Part at least 30 days but not more than five (5) years prior to the filing of the petition. If filed, a statement of interest shall be filed with FRA's Associate Administrator for Safety and shall reference the specific section(s) of this Part in which the person has an interest.

FRA estimates that this will be required under all of the four (4) petitions filed annually under this requirement. It is estimated that it will take approximately 40 hours to provide copies of the petition to the required representatives. Total annual burden for this requirement is 160 hours.

Respondent Universe:	559 railroads	
Burden time per response:	40 hours	
Frequency of Response:	Annually	
Annual number of Responses:	4 petitions	
Annual Burden Hours:		160 hours

Calculation: 4 petitions x 40 hrs. = 160 hours

- (2) Additionally, FRA estimates that approximately 14 people will file a statement of interest with FRA annually. It is estimated that it will take approximately eight (8) hours to prepare each statement. Total annual burden for this requirement is 112 hours.

Respondent Universe:	Public/railroad community	
Burden time per response:	8 hours	
Frequency of Response:	On occasion	
Annual number of Responses:	14 statements	
Annual Burden Hours:		112 hours

Calculation: 14 statements x 8 hrs. = 112 hours

D. Comment. Not later than 30 days from the date of publication of the notice in the Federal Register concerning a petition under paragraph (b) of this section, any person may comment on the petition.

- (1) A comment must set forth specifically the basis upon which it is made, and contain a concise statement of the interest of the commenter in the proceeding.
- (2) The comment must be submitted in triplicate to the Associate Administrator for Safety, Federal Railroad Administration, 400 7th Street, S.W., Washington, D. C. 20590.
- (3) The commenter must certify that a copy of the comment was served on each petitioner.

FRA estimates that it will receive approximately 13 comments annually on petitions that have been filed with the agency. It is estimated that it will take approximately four (4) hours for the individual or rail industry member to prepare his/her comments and file them with FRA. Total annual burden for this requirement is 52 hours.

Respondent Universe:	Public/Railroad community	
Burden time per response:	4 hours	
Frequency of Response:	Annually	
Annual number of Responses:	13 comments	
Annual Burden Hours:		52 hours

Calculation: 13 comments x 4 hrs. = 52 hours

Total annual burden for this entire requirement is 924 hours (400 + 200 + 160 + 112 + 52).

§232.103 **General requirements for all train brake systems.**

- A. Except for freight cars equipped with nominal 12-inch stroke (8-1/2 and 10-inch diameters) brake cylinders, all cars must have a legible decal, stencil or sticker affixed to the car or must be equipped with a badge plate displaying the permissible brake cylinder piston travel range for the car at Class I brake tests and the length at which the piston travel renders the brake ineffective, if different from the Class I brake test limits. The decal, stencil, sticker, or badge plate must be located so that it may be easily read and understood by a person positioned safely beside the car.

This section states the standard for determining when a freight car's air brakes are not in effective operating condition based on piston travel. The piston travel limits for standard 12-inch stroke brake cylinders are the same as currently required. However, the experience of FRA indicates a proliferation of equipment with other than standard 12-inch stroke brake cylinders. As a result, mechanical forces and train crew members performing brake system inspections often do not know the acceptable range of brake piston travel for this non-standard equipment. In an attempt to improve this situation and to ensure the proper operation of a car's brakes after being inspected, FRA requires badge plates, stickers, or stenciling of cars with the acceptable range of piston travel for all vehicles equipped with other than standard 12-inch stroke brake cylinders. The information must include both the permissible brake cylinder piston travel range for the vehicle at Class I brake tests and the length at which the piston travel renders the brake ineffective. Due to the growing number of cars with other than standard brake designs, FRA believes that this information is essential in order for a person to properly perform the brake inspections specified in this rule.

Assumptions

- There are approximately 100,000 cars remaining that have to have stickers, stencils, or badge plates applied.
- Approximately 48,800 cars are built each year; assuming 30 % of the newly built cars will require stickers, stencils, or badge plates, this leaves approximately 14,000 cars per year.

- Badge plates will be used on some cars instead of stickers (unlike stickers, only one is needed) reducing the number of stickers needed.
- Stencils will last five (5) years.

As noted above, FRA estimates then that approximately 100,000 cars will require stickers. One-third of the 100,000 cars or approximately 35,000 will receive the stickers each year, and each car will require two stickers. Thus, a total of 70,000 stickers (stencils/badge plates) will be affixed annually under this requirement. It is estimated that it will take approximately 10 minutes to complete and affix each sticker (stencil/badge plate). Total annual burden for this one-time requirement is 11,667 hours.

Respondent Universe:	114,000 cars
Burden time per response:	10 minutes
Frequency of Response:	On occasion
Annual number of Responses:	70,000 stickers/stencils/badge plates
Annual Burden Hours:	
	11,667 hours

Calculation: 70,000 stickers x 10 min. = 11,667 hours

- B. All equipment ordered on or after August 1, 2002, or placed in service for the first time on or after April 1, 2004, shall have train brake systems designed so that an inspector can observe from a safe position either the piston travel, an accurate indicator which shows piston travel, or any other means by which the brake system is actuated. The design shall not require that the inspector to place himself/herself on, under, or between components of the equipment to observe brake actuation or release.

The burden for this requirement is already covered under the requirement above. Consequently, there is no additional burden associated with this requirement.

- C. Locomotives.

A railroad shall adopt and comply with a process or procedures to verify that the available hand brakes will sufficiently hold an unattended locomotive consist. A railroad shall also adopt and comply with instructions to address throttle position, status of the reverse lever, position of the generator field switch, status of the independent brakes, position of the isolation switch, and position of the automatic brake valve on all

unattended locomotives. The procedures and instruction required in this paragraph shall take into account winter weather conditions as they relate to throttle position and reverser handle.

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

Total annual burden for this entire requirement is 11,667 hours.

§ 232.105 **General requirements for locomotives.**

On locomotives so equipped, the hand or parking brake as well as its parts and connections must be inspected, and necessary repairs made as often as service requires but no less frequently than every 368 days. The date of the last inspection must either be entered on Form FRA F 6180-49A or suitably stenciled or tagged on the locomotive. FRA estimates that approximately 30,000 locomotives will require handbrake inspections every 368 days. It is estimated that it will take approximately five (5) minutes to make the inspection and record the information on Form FRA 6180.49A. Total annual burden for this requirement is 2,500 hours.

Respondent Universe:	30,000 Locomotives
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	30,000 inspection forms
Annual Burden Hours:	
	2,500 hours

Calculation: 30,000 inspections x 5 min. = 2,500 hours

§ 232.107 **Air source requirements and cold weather operations.**

- A. Each railroad must adopt, comply with, and make available to FRA upon request a plan to monitor all yard air sources, other than locomotives, to ensure that they operate as intended and do not introduce contaminants into the brake system of freight equipment. This plan shall require the railroad to:
- (1) Inspect each yard air source at least two times per calendar year, no less than five months apart, to ensure it operates as intended and does not introduce

contaminants into the brake system of the equipment it services.

- (2) Identify yard air sources found not to be operating as intended or found introducing contaminants into the brake system of the equipment it services.
- (3) Repair or take other remedial action regarding any yard air source identified under paragraph (a)(2)(ii) of this section.
- (4) A railroad shall maintain records of information and actions required by paragraph (a)(2) of this section. These records shall be maintained for a period of at least one year from the date of creation, and may be maintained either electronically or in writing.

FRA here requires a monitoring program designed to ensure that yard air sources operate as intended. FRA believes that implementation of this monitoring program represents a method by which the industry can truly maximize the benefits to be realized through air dryer technology, which all parties acknowledge has been proven to reduce the level of moisture introduced into the train line, at a cost that is commensurate with the subsequent benefits. The program requires a railroad to take remedial action with respect to any yard air sources that are found not to be operating as intended, and further establishes a retention requirement with respect to records of these deficient units to facilitate the tracking and resolution of continuing problem areas.

First Year of Program

The burden for the first year of this requirement has already been fulfilled. Consequently, there is no additional burden associated with it.

Subsequent Years

FRA estimates that approximately one (1) new railroad will be formed annually that will need to prepare a plan in subsequent years under this requirement. Total annual burden is 40 hours.

Respondent Universe:	10 new railroads
Burden time per response:	40 hours
Frequency of Response:	On occasion
Annual number of Responses:	1 plan
Annual Burden Hours:	40 hours

Calculation: 1 plan x 40 hrs. = 40 hours

Amendments to Plan

FRA estimates approximately 10 amendments will be filed each year by respondents. It is estimated that it will take approximately 20 hours to prepare and file each amendment. Total annual burden for this requirement is 200 hours.

Respondent Universe:	50 existing plans
Burden time per response:	20 hours
Frequency of Response:	On occasion
Annual number of Responses:	10 amendments
Annual Burden Hours:	
	200 hours

Calculation: 10 amendments x 20 hrs. = 200 hours

Recordkeeping

FRA estimates approximately 1,150 records will be kept annually by the respondents. It is estimated that each record will take approximately 20 hours. Total annual burden for this requirement is 23,000 hours.

Respondent Universe:	50 existing plans
Burden time per response:	20 hours
Frequency of Response:	Annually
Annual number of Responses:	1,150 records
Annual Burden Hours:	
	23,000 hours

Calculation: 1,150 records x 20 hrs. = 23,000 hours

- B. A railroad must adopt, comply with, and make available to FRA upon request detailed written operating procedures tailored to the equipment and territory of that railroad to cover safe train operations during cold weather situations. For purposes of this provision, cold weather means when the ambient temperature drops below 10 degrees Fahrenheit (F) (minus 12.2 Celsius).

This requirement has already been fulfilled. Consequently, there is no additional burden associated with it.

Total burden for this entire requirement is 23,240 hours (40 + 200 + 23,000).

§ 232.109 Dynamic brake requirements.

- A. Except as provided in paragraph (i) of this section, a locomotive engineer must be informed of the operational status of the dynamic brakes on all locomotive units in the consist at the initial terminal or point of origin for a train and at other locations where a locomotive engineer first begins operation of a train. The information required by this paragraph may be provided to the locomotive engineer by any means determined appropriate by the railroad; however, a written or electronic record of the information must be maintained in the cab of the controlling locomotive.

In considering the entirety of the information available, FRA concluded that it is imperative that the locomotive engineer be informed of the operational status of the dynamic brakes on all locomotives in the consist at the initial terminal or point of origin for a train or at other locations where a locomotive engineer first takes charge of a train, and that a record, either written or electronic, be kept in the cab of the controlling locomotive.

FRA believes that – if the devices are available – engineers should be informed on their safe and proper use and be provided with information regarding the amount of dynamic braking power actually available on their respective trains. FRA believes that by providing an engineer with as much information as possible on the status of the dynamic brakes on a train, a railroad better enables that engineer to operate the train in the safest and most efficient manner.

FRA estimates this information will be required annually for the approximately 1,656,000 freight trains in service. It is estimated that it will take approximately four (4) minutes per freight train. Total annual burden for this requirement is 110,400 hours.

Respondent Universe:

559 railroads

Burden time per response:	4 minutes - freight trains	
Frequency of Response:	On occasion	
Annual number of Responses:	1,656,000 records - freight trains	
Annual Burden Hours:		110,400 hours
		- freight trains

Calculation: 1,656,000 records x 4 min. = 110,400 hours

- B. Except as provided in paragraph (e) of this section, all inoperative dynamic brakes must be repaired within 30 calendar days of becoming inoperative or at the locomotive’s next periodic inspection pursuant to §229.23 of this chapter, whichever occurs first. An electronic or written record of repairs made to a locomotive’s dynamic brakes must be retained for 92 days and, upon request, must be made available for inspection by FRA or State inspectors.

FRA estimates that approximately 6,358 locomotives (per AAR data) will be found with inoperative dynamic brakes that require repair under this requirement. It is estimated that it will take approximately four (4) minutes to make a written or electronic record of the required repairs. Total annual burden for this requirement is 424 hours.

Respondent Universe:	30,000 locomotives	
Burden time per response:	4 minutes	
Frequency of Response:	Annually	
Annual number of Responses:	6,358 repair records	
Annual Burden Hours:		424 hours

Calculation: 6,358 repair records x 4 min. = 424 hours

- C. Except as provided in paragraph (e) of this section, a locomotive discovered with inoperative dynamic brakes must have a tag bearing the words “inoperative dynamic brake” securely attached and displayed in a conspicuous location in the cab of the locomotive. This tag must contain the following information:

- (1) The locomotive number;
- (2) The name of the discovering carrier;
- (3) The location and date where condition was discovered; and
- (4) The signature of the person discovering the condition.

FRA estimates that approximately 6,358 tags will be issued annually under this requirement. It is estimated that it will take approximately 30 seconds to place the required information on the tag, and place it in the locomotive. Total annual burden for this requirement is 53 hours.

Respondent Universe:	30,000 locomotives
Burden time per response:	30 seconds
Frequency of Response:	Annually
Annual number of Responses:	6,358 tags
Annual Burden Hours:	
	53 hours

Calculation: 6,358 tags x 30 sec. = 53 hours

- C. A railroad may elect to declare the dynamic brakes on a locomotive deactivated without removing the dynamic brake components from the locomotive, only if all of the following conditions are met: (1) the locomotive is clearly marked with the words “dynamic brake deactivated” in a conspicuous location in the cab of the locomotive; and (2) the railroad has taken appropriate action to ensure that the deactivated locomotive is incapable of utilizing dynamic brake effort to retard or control train speed.

First Year Burden

The burden for the first year of this requirement has already been fulfilled. Consequently, there is no additional burden associated with it.

Subsequent years

FRA estimates that approximately 10 locomotives will have dynamic brakes that are declared deactivated in subsequent years. It is estimated that it will take approximately five (5) minutes to mark/stencil each locomotive with the words “dynamic brake deactivated” in a conspicuous location in the cab of the locomotive. Total subsequent yearly burden for this requirement is one (1) hour.

Respondent Universe:	8,000 locomotives	
Burden time per response:	5 minutes	
Frequency of Response:	On occasion	
Annual number of Responses:	10 markings/stencilings	
Annual Burden Hours:		1 hour

Calculation: 10 markings/stencilings x 5 min. = 1 hour

- E. A locomotive with inoperative or deactivated dynamic brakes must not be placed in the controlling (lead) position of a consist unless the locomotive has the capability of controlling the dynamic braking effort in trailing locomotives in the consist that are so equipped, and displaying to the locomotive engineer the deceleration rate of the train or the total dynamic brake retarding force.

This information is communicated mechanically, and is not a paperwork requirement. Rather, it is a regulatory requirement governing the operation of the train which was mistakenly inserted into the last submission. Consequently, there is no burden associated with this provision.

- F. All locomotives equipped with dynamic brakes and ordered on or after (insert date one year + 180 days from date of final rule publication), or placed in service for the first time on or after (insert date three years + 60 days from date of final rule publication) shall be designed to test the electrical integrity of the dynamic brake at rest, and to display the available total dynamic brake retarding force at various speed increments in the cab of the controlling (lead) locomotive.

This is a regulatory/mechanical requirement, and not a paperwork requirement. Consequently, there is no burden associated with it.

- G. All rebuilt locomotives equipped with dynamic brakes and placed in service for the first time on or after (insert date three years + 60 days from date of final rule publication) shall be designed to test the electrical integrity of the dynamic brake at rest, and to display either the train deceleration rate or the available total train dynamic brake retarding force at various speed increments in the cab of the controlling (lead) locomotive.

This is a regulatory/mechanical requirement, and not a paperwork requirement. Consequently, there is no burden associated with it.

- H. Each railroad operating a train with a brake system that includes dynamic brakes must adopt, comply with, and make available to FRA upon request written operating rules governing safe train handling procedures using these dynamic brakes under all operating conditions, which must be tailored to the specific equipment and territory of the railroad.

First Year Burden

The burden for the first year of this requirement has already been fulfilled. Consequently, there is no additional burden associated with it.

Subsequent years

In subsequent years, FRA estimates that approximately five (5) new railroads per year will have to develop operating rules under this requirement. It is estimated that it will take approximately four (4) hours for each railroad to develop and file the required operating rules. Total one-time burden for this requirement is 20 hours.

Respondent Universe:	5 new railroads	
Burden time per response:	4 hours	
Frequency of Response:	One-time	
Annual number of Responses:	5 operating rules	
Annual Burden Hours:		20 hours

Calculation: 5 operating rules x 4 hrs. = 20 hours

Amendments

FRA estimates that approximately 15 amendments will be submitted annually under this requirement. It is estimated that each amendment will take approximately one (1) hour to

complete and forward to FRA. Total annual burden for this requirement is 15 hours.

Respondent Universe:	559 railroads
Burden time per response:	1 hour
Frequency of Response:	On occasion
Annual number of Responses:	15 amendments
Annual Burden Hours:	

15
hours

Calculation: 15 amendments x 1 hr. = 15 hours

- I. The railroad's operating rules must: (1) ensure that friction brakes are sufficient by themselves, without the aid of dynamic brakes, to stop the train under all operating conditions; and (2) include a miles-per-hour-overspeed-top rule. At a minimum, this rule shall require that any train, when descending a grade of one percent or greater, must be immediately brought to a stop, by an emergency brake application if necessary, when the train's speed exceeds the maximum authorized speed for that train by more than five miles per hour. A railroad shall reduce the five mile per hour over-speed restriction if validated research indicates the need for such a reduction. A railroad may increase the five mile per hour over-speed restriction only with approval of FRA and based on verifiable data and research.

First Year Burden

The burden for this requirement has already been completed. Consequently, there is no additional burden associated with it.

Subsequent years

FRA estimates that approximately five (5) new railroads per year will make a request to FRA to increase the five mile per hour over-speed restriction. It is estimated that it will take approximately 30 minutes to compose the letter to FRA making this request, and an additional 20 hours to develop the verifiable data. Total annual burden for this requirement is 103 hours.

Respondent Universe:	559 railroads
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Burden time per response:	30 minutes + 20 hours	
Frequency of Response:	On occasion	
Annual number of Responses:	5 requests/letters	
Annual Burden Hours:		103 hours

Calculation: 5 request/letters x 20.5 hrs. = 103 hours

- J. A railroad operating a train with a brake system that includes dynamic brakes must adopt, comply with specific knowledge, skill, and ability criteria to ensure that its locomotive engineers are fully trained in the operating rules prescribed by paragraph (j) of this section. The railroad shall incorporate such criteria into its engineer certification program pursuant to Part 240 of this chapter.

First Year of Program

The burden for the first year of this requirement has already been completed. Consequently, there is no additional burden associated with it.

Subsequent Years

In subsequent years, FRA estimates that approximately five (5) new railroads will have to develop the required information and make amendments to their locomotive engineer certification program. It is estimated that it will take approximately 16 hours to complete each amendment. Total annual burden for this requirement is 80 hours.

Respondent Universe:	5 new railroads	
Burden time per response:	16 hours	
Frequency of Response:	One-time	
Annual number of Responses:	5 amendments	
Annual Burden Hours:		80 hours

Calculation: 5 amendments x 16 hrs. = 80 hours

Total annual burden for this entire requirement is 111,096 hours (110,400 + 424 + 53 + 1 + 20 + 15 + 103 + 80).

§ 232.111 **Train information handling.**

A railroad must adopt and comply with written procedures to ensure that a train crew employed by the railroad is given accurate information on the condition of the train brake system and train factors affecting brake system performance and testing when the crew takes over responsibility for the train. The information required by this paragraph may be provided to the locomotive engineer by any means determined appropriate by the railroad; however, a written or electronic record of the information must be maintained in the cab of the controlling locomotive. The procedures shall require that each train crew taking charge of a train be informed of the following:

- (1) The total weight and length of the train, based on the best information available to the railroad.
- (2) Any special weight distribution that would require special train handling procedures.
- (3) The number and location of cars with cut-out or otherwise inoperative brakes and the location where they will be repaired.
- (4) If a Class I or Class IA brake test is required prior to the next crew change point, the location at which that test shall be performed.
- (5) Any train brake system problems encountered by the previous crew of the train.

This section contains a list of the specific information FRA proposes to require railroads to furnish train crew members about the train and the train's brake system at the time they take over the train. FRA believes that train crews need this information in order to avoid potentially dangerous train handling situations and to be able to comply with various Federal safety standards.

It should be noted that FRA has left the method by which railroads convey the required

information to the train crews to the discretion of the railroads. FRA firmly believes that each individual railroad is in the best position to determine for itself the method it will use to dispense the required information, based on the individual characteristics of its operations. However, the means for conveying the necessary information will be part of the written operating requirements, and railroads will be obliged to follow their own requirements.

Most Class I railroads already provide the information required on weight, length, and weight distribution through on-board computers. However, information required under numbers 3, and 5 above will require either crew notation, as in the case where a brake is cut-out en route or where problems are encountered en route, or a system of communicating this information. As crew changes frequently take place where the crews do not see each other and locomotive consist changes take place en route, the system of communicating this information may be somewhat complicated. The railroads could require that the crews track and disseminate the information; they may rely on the dispatchers; they may use the onboard computer system; or they may rely on a paper system.

First Year of Program

The burden for the first year of this requirement has already been completed. Consequently, there is no additional burden associated with it.

Assumptions:

- Complexity of written procedures will correspond to railroad size, such that a small railroad will not require as much time or effort as a large railroad.
- It will take a minimum of 40 hours for other railroads to develop written procedures.

Subsequent Years

FRA estimates approximately five (5) procedures will be developed by new railroads in subsequent years due to this requirement. It is estimated that it will the railroad approximately 40 hours to develop each procedure. Total burden for this requirement is 200 hours.

Respondent Universe:	5 railroads
Burden time per response:	40 hours
Frequency of Response:	One-time
One-time number of Responses:	5 procedures

One-time Burden Hours:

200
hours

Calculation: 5 procedures x 40 hrs. = 200 hours

Amendments to Written Program

FRA estimates approximately 100 amendments will be prepared and filed under this requirement. It is estimated that it will take approximately 20 hours to prepare and file each amendment. Total annual burden for this requirement is 2,000 hours.

Respondent Universe:	100 railroads
Burden time per response:	20 hours
Frequency of Response:	On occasion
Annual number of Responses:	100 amendments
Annual Burden Hours:	

2,000
hours

Calculation: 100 amendments x 20 hrs. = 2,000 hours

Report requirements to train crew

FRA estimates approximately 2,112,000 reports will be given to train crew members annually. Each report is estimated to take 10 minutes. Total annual burden for this requirement is 352,000 hours.

Respondent Universe:	559 railroads
Burden time per response:	10 minutes
Frequency of Response:	Annually
Annual number of Responses:	2,112,000 reports
Annual Burden Hours:	

352,00
0 hours

Calculation: 2,112,000 reports x 10 min. = 352,000 hours

Total annual burden for this entire requirement is 354,200 hours (200 + 2,000 + 352,000).

Subpart C - Inspection and Testing Requirements

§ 232.203 Training requirements.

- (a) Each railroad and each contractor must adopt, comply with a training, qualification, and designation program for its employees who perform brake system inspections, tests, or maintenance. For purposes of this section, a “contractor” is defined as a person under contract with the railroad or car owner. The records required by this section may be maintained either electronically or in writing.

- (b) As part of this program, the railroad or contractor must:
 - (1) Identify the tasks related to the inspection, testing, and maintenance of the brake system required by this Part that must be performed by the railroad or contractor and identify the skills and knowledge necessary to perform each task.

 - (2) Develop or incorporate a training curriculum that includes classroom and “hands-on” lessons designed to impart the skills and knowledge identified as necessary to perform each task. The developed or incorporated training curriculum must specifically address the Federal regulatory requirements contained in this part that are related to the performance of the tasks identified.

 - (3) Require all employees to successfully complete a training curriculum that covers the skills and knowledge the employee will need to possess in order to perform the tasks required by this Part that the employee will be performing, including the specific Federal regulatory requirements contained in this Part related to the performance of a task for which the employee will be responsible.

 - (4) Require all employees to pass a written or oral examination covering the skills and knowledge the employee will need to possess in order to

perform the tasks required for which the employee will be responsible, including the specific Federal regulatory requirements contained in this Part related to the performance of a task for which the employee will be responsible for performing.

- (5) Require all employees to individually demonstrate “hands-on” capability by successfully applying the skills and knowledge the employee will need to possess in order to perform the tasks required by this Part that the employee will be responsible for performing to the satisfaction of the employee’s supervisor or designated instructor.
- (6) An employee hired prior to June 1, 2001, for a railroad or contractor covered by this Part will be considered to have met the requirements, or a portion of the requirements, contained in paragraphs (b)(3) through (b)(5) of this section if the employee receives training and testing on the specific regulatory requirements contained in this Part related to the performance of the tasks which the employee will be responsible for performing; and if:
 - (i) The training or testing, including efficiency testing, previously received by the employee is determined by the railroad to meet the requirements, or a portion of the requirements, contained in paragraphs (b)(3) through (b)(5) of this section and such training or testing can be documented as required in paragraphs (e)(1) through (e)(4) of this section;
 - (ii) The employee passes an oral, written, or practical, “hands-on” test developed or adopted by the railroad or contractor which is determined by the railroad or contractor to ensure that the employee possesses the skills and knowledge, or a portion of the skills or knowledge, required in paragraphs (b)(3) through (b)(5) of this section and the test is documented as required in paragraph (e) of this section; or
 - (iii) The railroad or contractor certifies that a group or segment of its employees has previously received training or testing determined by railroad or contractor to meet the requirements, or a portion of the requirements, contained in paragraphs (b)(3) through (b)(5) of this section and complete records of such training are not available, provided the following conditions are satisfied:
 - (A) The certification is placed in the employee’s training records required in paragraph (e) of this section;
 - (B) The certification contains a brief description of the training provided and the approximate date(s) on which the training was provided; and

- (C) Any employee determined to be trained pursuant to this paragraph is given a diagnostic oral, written, or “hands-on” test covering that training for which this paragraph is relied upon at the time the employee receives his or her first periodic refresher training under paragraph (b)(8) of this section.
 - (iv) Any combination of the training or testing contained in paragraphs (b)(6)(i) through (b)(6)(iii) of this section and paragraphs (b)(3) through (b)(5) of this section;
 - (7) Require supervisors to exercise oversight to ensure that all the identified tasks are performed in accordance with the railroad’s written procedures and the specific Federal regulatory requirements contained in this Part.
 - (8) Require periodic refresher training, at an interval not to exceed three years, that includes classroom and “hands-on” training, as well as testing; except that employees that have completed their initial training under (b)(3) through (b)(6) of this Part prior to April 1, 2004, shall not be required to complete their first refresher training until four years after the completion of their initial training, and every three years thereafter. Observation and evaluation of actual performance of duties may be used to meet the “hands-on” portion of this requirement, provided such testing is documented are required in paragraph (e) of this section; and
 - (9) Add new brake systems to the training, qualification, and designation program prior to its introduction to revenue service.
- (c) A railroad that operates trains required to be equipped with a two-way end-of-train telemetry device pursuant to Subpart E of this Part and each contractor that maintains such devices must adopt and comply with a training program which specifically addresses the testing, operation, and maintenance of two-way end-of-train devices for employees who are responsible for the testing, operation, and maintenance of the devices.
 - (d) A railroad that operates trains under conditions that require setting air brake pressure retaining valves must adopt and comply with a training program which specifically addresses the proper use of retainers for employees who are responsible for using or setting retainers.

Two of the major factors in ensuring the quality of brake inspections are the proper training of the persons performing the inspections, and adequate enforcement of the requirements. Therefore, FRA retained the current 1,000 mile inspection interval in the rule and incorporated general training requirements for persons conducting brake inspections. These training requirements include general provisions requiring both

classroom and “hands-on” training, general testing requirements, and annual refresher training provisions. FRA also requires that various training records be maintained by the railroads, either electronically or in writing, in order for FRA to determine the basis for a railroad’s determination that a particular person is considered qualified to perform a brake inspection, test, or repair. FRA believes the general training and recordkeeping requirements provide some assurance that qualified people are conducting the required brake system inspections and tests.

In this rule and its associated information collection, FRA makes a concerted effort to focus on the qualifications of train crew members and to strictly scrutinize the method and length of time spent by these individuals in the performance of the required inspections. This scrutiny may involve the review of event recorder tapes to ensure that a sufficient amount of time was afforded for conducting a proper inspection of the brake system. FRA seeks to focus its inspection activities so as to ensure that train crews are provided the proper equipment necessary to perform many of the required inspections.

FRA believes that these minimum training qualifications needed to be established to assure that brake inspections and tests are properly performed so that both the public and railroad employees are safeguarded from the operation of equipment that does not meet Federal standards.

Under this section, FRA includes broad performance-based training and qualification requirements which permit railroads to develop programs specifically tailored to the type of equipment they operate and which are conducive to the instruction of employees designated by the railroad to perform the inspection, testing, and maintenance duties required in this rule. FRA agreed with several railroad commenters that there is no reason for individuals who solely perform pre-departure air brake tests and inspections to be as highly trained as a carman, since carmen perform many other duties which involve the maintenance and repair of equipment in addition to brake inspections. Therefore, the training and qualification requirements permit railroads to tailor their training programs to ensure the capability of its employees to perform the tasks for which they are responsible. Training and qualification requirements apply not only to railroad personnel but also to contract personnel and personnel in plants who build cars and locomotives and who are responsible for brake system inspections, maintenance, or tests required by this part.

Although the training and qualification requirements currently incorporated continue to require that any training provided include classroom and “hands-on” training, as well as oral or written examinations and “hands-on” proficiency, they do not mandate a specific number of hours that this training must encompass since that will vary depending on the employee or employees involved. FRA believes that this is probably best determined by the railroad. Once training is provided, the rule’s requirements also contain provisions for conducting periodic refresher training and supervisor oversight of employees performance.

As mentioned previously, the training can be tailored to the specific needs of the railroad. Across the industry as a whole, the rule does not require extensive changes in the way most railroads currently operate but does require some railroads to invest more time in the training of their personnel so as to prevent railroads from using minimally trained and unqualified people to perform crucial safety tasks.

Paragraph (2) above includes a series of general requirements or elements which must be part of any training and qualification plan developed and implemented by a railroad. FRA believes that the elements contained in this section are specific enough to ensure high quality training while being sufficiently broad to permit a railroad to develop a training plan that is best suited to its particular operation. This paragraph requires railroads to identify the specific tasks related to the inspection, testing, and maintenance of the brake systems operated by that railroad; develop written procedures for performing those tasks; and identify the skills and knowledge necessary to perform those tasks. FRA believes that these requirements ensure that, at a minimum, railroads survey their entire operation and identify the various activities their employees perform. FRA intends for these written procedures and for the identified skills and knowledge to be used as the foundation for any training program developed by the railroad. Thus, railroads would most likely not need to provide much additional training, except possibly refresher training, to its carmen forces that have completed an apprentice program for their craft.

Paragraph (3) above obliges each railroad which operates trains required to be equipped with two-way end-of-train devices to develop and implement a training program which specifically addresses the testing, operation, and maintenance of the devices.

FRA recognizes that some railroads are forced to place a greater emphasis on training and qualifications than they have in the past, and this requirement does result in additional costs for those railroads. However, the rule allows the railroads the flexibility to provide only that training which an employee needs for a specific job.

As previously noted, this rule – across the industry as a whole – does not require extensive changes in the way most railroads currently operate, but it does require some railroads to invest more time in the training of their personnel and ought to prevent railroads from using minimally trained and unqualified people to perform crucial safety tasks.

Training Program

The burden for the first year of this requirement has already been completed. Consequently, there is no additional burden associated with it.

Subsequent Years of Program

FRA estimates approximately five (5) training program will be developed by new railroads in subsequent years due to this requirement. It is estimated that it will take the railroad approximately 100 hours to develop such a program. Total burden for this requirement is 500 hours.

Respondent Universe:	15 railroads
Burden time per response:	100 hours
Frequency of Response:	One-time
One-time number of Responses:	5 programs
One-time Burden Hours:	500 hours

Calculation: 5 programs x 100 hrs. = 500 hours

Amendments to Written Program

FRA estimates approximately 559 amendments will be added as a result of this requirement. It is estimated that it will take approximately (8) hours to develop each amendment and send it to FRA. Total annual burden for this requirement is 4,472 hours.

Respondent Universe:	559 railroads
Burden time per response:	8 hours
Frequency of Response:	On occasion
Annual number of Responses:	559 amendments
Annual Burden Hours:	
	4,472 hours

Calculation: 559 amendments x 8 hrs. = 4,472 hours

(e) A railroad or contractor must maintain adequate records to demonstrate the current qualification status of all of its personnel assigned to inspect, test, or maintain a train brake system. The records required by this paragraph may be maintained either electronically or in writing and shall be provided to FRA upon request. These records must include the following information concerning each such employee:

- (1) The name of the employee;
- (2) The dates that each training course was completed;
- (3) The content of each training course successfully completed;
- (4) The scores on each test taken to demonstrate proficiency;
- (5) A description of the employees “hands-on performance applying the skills and knowledge the employee needs to possess in order to perform the tasks required by this Part that the employee will be responsible for performing, and the basis for finding that the skills and knowledge were successfully demonstrated;
- (6) The task(s) required to be performed under this Part for which the person is deemed qualified to perform;
- (7) Identification of the person(s) determining the employee has successfully completed the training necessary to be considered qualified to perform the tasks identified in (e)(7) of this section; and
- (8) The date that the employee's status as qualified to perform the tasks identified in paragraph (e)(7) of this section expires due to the need for refresher training.

FRA believes that the recordkeeping and notification requirements contained in the rule are the cornerstone of the training and qualification provisions. As FRA is not propounding specific training curriculums or specific experience thresholds, FRA believes that these recordkeeping provisions are vital in ensuring that proper training is being provided to railroad personnel. FRA requires then that railroads maintain specific personnel qualification records, either electronically or in writing, for all personnel (including contract personnel) responsible for the inspection, testing, and maintenance of train brake systems. FRA requires that these records contain detailed information regarding the training provided, as well as detailed information on the types of equipment the individual is qualified to inspect, test, or maintain and the duties the individual is qualified to perform. Most Class I and larger Class II railroads already keep records of this type; however, they are not always easily obtained by FRA. As an additional means of ensuring that only properly qualified individuals are performing only those tasks for which they are qualified, FRA requires railroads to promptly notify personnel of changes in their qualification status and specifically identify the date that the employees qualification ends unless refresher training is provided.

FRA estimates that the railroad industry (including passenger and commuter railroads) employ approximately 25,000 workers or supervisors responsible for train brake system inspection, test and maintenance.

Training Records

FRA estimates that the railroad management will create approximately 67,000 training records a year due to this requirement. It is estimated that it will take approximately eight (8) minutes to prepare each record. Total annual burden for this requirement is 8,933 hours.

	Respondent Universe:	
	559 railroads	
Burden time per response:	8 minutes	
Frequency of Response:	On occasion	
Annual number of Responses:	67,000 records	
Annual Burden Hours:		8,933 hours

Calculation: 67,000 records x 8 min. = 8,933 hours

Training Notifications

FRA estimates that the railroad management will issue 67,000 training notifications each year due to this requirement. It is estimated that it will take approximately three (3) minutes for each notification. Total annual burden for this requirement is 3,350 hours.

Respondent Universe:	559 railroads	
Burden time per response:	3 minutes	
Frequency of Response:	On occasion	
Annual number of Responses:	67,000 notifications	
Annual Burden Hours:		3,350 hours

Calculation: 67,000 notifications x 3 min. = 3,350 hours

(f) A railroad must adopt and comply with a plan to periodically assess the effectiveness of its training program. One method of validation and assessment could be through the use of efficiency tests or periodic review of employee performance.

Validation/Assessment Plan

FRA estimates that approximately one (1) validation/assessment plan will be developed by the AAR/ASLRRA and used by all 545 railroads. It is estimated that it will take approximately 40 hours to develop such a plan and approximately one (1) minute per railroad to copy the plan. Total one-time burden for this requirement is 49 hours.

Respondent Universe:	559 railroads
Burden time per response:	40 hours/1 minute
Frequency of Response:	One-time
One-time number of Responses:	1 plan + 559 copies (AAR/ASLRRA plan)
One-time Burden Hours:	
	49 hours

Calculation: 1 plan x 40 hrs. + 559 copies x 1 min. = 49 hours

Amendments to Validation/Assessment Plan

FRA estimates approximately 50 amendments will be filed annually by the respondents. It is estimated that it will take approximately 20 hours to complete each amendment. Total annual burden this requirement is 1,000 hours.

Respondent Universe:	559 railroads
Burden time per response:	20 hours
Frequency of Response:	Annually
Annual number of Responses:	50 amendments
Annual Burden Hours:	
	1,000 hours

Calculation: 50 amendments x 20 hrs. = 1,000 hours

Total annual burden for this entire requirement is 18,304 hours (500 + 4,472 + 8,933 + 3,350 + 49 + 1,000).

§ 232.205 **Class I brake test--Initial terminal inspection.**

When the release is initiated by the controlling locomotive or yard test device, the brakes on each freight car shall be inspected to verify that they did release; this may be performed by a “roll-by” inspection. If a "roll-by" inspection of the brake release is performed, train speed must not exceed 10 MPH and the qualified person performing the “roll-by” inspection must communicate the results of the inspection to the operator of the train. The operator of the train will note successful completion of the release portion of the inspection on the written notification required in paragraph (d) of this section.

The railroad shall ensure that a written or electronic record indicating that the Class I brake test was satisfactorily performed is provided to the locomotive engineer or placed in the cab of the controlling locomotive following the test. The written or electronic record must be retained in the cab of the controlling locomotive until the train reaches its destination and must contain the date, time, number of freight cars inspected, and identify qualified person(s) performing the test and the location where the Class I brake test was performed.

FRA has found that train symbols change when trains are interchanged; crews do not know where trains originated, do not know mileage traveled, and do not know last tests and inspections performed. Without this knowledge of train history, railroads and train crews cannot possibly comply with Federal regulations in some instances. Therefore, FRA modified the language in the current regulation to eliminate this discrepancy, and further enhance the safety of train operations by requiring that an electronic or written record indicating the Class I brake test was satisfactorily performed be kept in the cab of the controlling locomotive. The locomotive engineer may receive the information that a roll-by release inspection has been completed via radio or other means of communication. The locomotive engineer may record the information on the inspection card. The notification must remain in the cab of the locomotive until the train reaches its destination. This modification in the language will ensure that train crews will know when the train they are operating is due attention for testing and inspection purposes, thereby enhancing the continued safe operation of the train.

FRA estimates that approximately 1,646,000 notifications will be written/electronically recorded annually. It is estimated that it will take approximately 45 seconds for each notice. Total annual burden for this requirement is 20,575 hours.

Respondent Universe:	559 railroads
Burden time per response:	45 seconds
Frequency of Response:	On occasion
Annual number of Responses:	1,646,000 notifications
Annual Burden Hours:	

20,575
hours

Calculation: 1,646,000 notifications x 45 seconds = 20,575 hours

§ 232.207 Class IA brake tests--1,000-mile inspection.

- A. Each railroad must designate the locations where Class IA brake tests will be performed; the carrier must furnish to the Federal Railroad Administration upon request a description of each location designated; and must notify in writing FRA's Associate Administrator for Safety 30 days prior to any change in the locations designated for such tests and inspections.

The Class IA brake test in the updated rule clarifies the requirements for performing 1,000-mile brake inspections currently contained in § 232.12(b). The rule makes clear that the most restrictive car or block of cars in the train determines when this inspection must occur on the entire train. FRA also requires that railroads designate the locations where these inspections will be conducted and does not permit a change in those designations without 30-day notice or the occurrence of an emergency situation. The Class II and Class III brake tests in the updated rule essentially clarify the intermediate terminal inspection requirements currently contained in § 232.13(c) and (d) regarding the performance of brake system inspections when cars are added en route or when the train consist is slightly altered en route.

First Year of Program

The burden for the first year of this requirement has already been completed. Consequently, there is no additional burden associated with it.

Subsequent Years

FRA estimates that approximately five (5) designation lists will be prepared in subsequent years. It is estimated that each respondent will take approximately one (1) hour prepare this designation list and file it. Total annual burden for this requirement is five (5) hours.

Respondent Universe:	559 railroads	
Burden time per response:	1 hour	
Frequency of Response:	On occasion	
Annual number of Responses:	5 designation lists	
Annual Burden Hours:		5 hours

Calculation: 5 lists x 1 hr. = 5 hours

- B. In the event of an emergency that alters normal train operations such as a derailment or other unusual circumstances that reflect on the safe operation of the train, the railroad is not required to provide prior written notification of a change in the location where a Class IA brake test is performed, provided that the railroad notifies FRA’s Associate Administrator for Safety and the pertinent FRA Regional Administrator within 24 hours after the designation has been changed and the reason for that change.

FRA estimates that approximately five (5) amendments will be prepared annually due to this requirement. It is estimated that it will take each respondent approximately one (1) hour to prepare the necessary amendment and file it. Total annual burden for this requirement is five (5) hours.

Respondent Universe:	559 railroads	
Burden time per response:	1 hour	
Frequency of Response:	On occasion	
Annual number of Responses:	5 amendments	
Annual Burden Hours:		5 hours

Calculation: 5 amendments x 1 hr. = 5 hours

Total annual burden for this entire requirement is 10 hours (5 + 5).

§ 232.209 Class II brake tests--Intermediate inspection.

- A. When the release is initiated, the brakes on each car added to the train and on the rear car of the train must be inspected to verify that they did release; this may be performed by a “roll-by” inspection. If a "roll-by" inspection of the brake release is performed, train speed must not exceed 10 MPH and the qualified person performing the “roll-by” inspection must communicate the results of the inspection to the operator of the train.

FRA estimates that approximately 1,597,400 comments/communications will be made annually under this requirement. It is estimated that it will take each respondent approximately three (3) seconds to make the necessary comment. Total annual burden for this requirement is 1,331 hours.

Respondent Universe:	559 railroads
Burden time per response:	3 seconds
Frequency of Response:	On occasion
Annual number of Responses:	1,597,400 comments
Annual Burden Hours:	1,331 hours

Calculation: 1,597,400 comments x 3 sec. = 1,331 hours

- B. Before the train proceeds, the operator of the train shall know that the brake pipe pressure at the rear of freight train is being restored.

This information is communicated mechanically, and is not a paperwork requirement. Rather, it is a regulatory requirement governing the operation of the train which was mistakenly inserted into earlier submissions. Consequently, there is no burden associated with this provision.

- C. If an electronic communication link between a controlling locomotive and a remotely controlled locomotive attached to the rear end of a train is utilized to determine that brake pipe pressure is being restored, the operator of the train shall know that the air brakes function as intended on the remotely controlled locomotive.

Again, this information is communicated mechanically, and is not a paperwork requirement. Rather, it is a regulatory requirement governing the operation of the train

which was mistakenly inserted into earlier submissions. Consequently, there is no burden associated with this provision.

Total annual burden for this entire requirement is 1,331 hours.

§ 232.211 Class III brake tests--Trainline continuity inspection.

- A. Before proceeding, the operator of the train shall know that the brake pipe pressure at the rear of freight train is being restored.

This information too is communicated mechanically, and is not a paperwork requirement. Rather, it is a regulatory requirement governing the operation of the train which was mistakenly inserted into earlier submissions. Consequently, there is no burden associated with this provision.

- B. If an electronic or radio communication link between a controlling locomotive and a remotely controlled locomotive attached to the rear end of a train is utilized to determine that brake pipe pressure is being restored, the operator of the train shall know that the air brakes function as intended on the remotely controlled locomotive.

This information also is communicated mechanically, and is not a paperwork requirement. Rather, it is a regulatory requirement governing the operation of the train which was mistakenly inserted into earlier submissions. Consequently, there is no burden associated with this provision.

§ 232.213 Extended haul trains.

- A. A railroad may be permitted to move a train up to, but not exceeding, 1,500 miles between brake tests and inspections if the railroad designates a train as an extended haul train. In order for a railroad to designate a train as an extended haul train, **all** of the following requirements must be met:

- (1) The railroad must designate the train in writing to FRA's Associate Administrator for Safety. This designation must include the following:
 - (i) The train identification symbol or identification of the location where priority trains will originate and a description of the trains that will be operated as extended haul trains from those locations;
 - (ii) The origination and destination points for the train;
 - (iii) The type or types of equipment the train will haul; and
 - (iv) The locations where all train brake and mechanical inspections and tests will be performed.

This paragraph sets forth the information that must be provided to FRA in writing when designating a train for such operation. The information required to be submitted is necessary to facilitate FRA's ability to independently monitor a railroad's operation of these extended haul trains.

FRA estimates that it will receive approximately 100 designations annually under this requirement. It is estimated that it will take each respondent approximately 15 minutes to prepare their designation letter and forward it to FRA. Total annual burden for this requirement is 25 hours.

Respondent Universe:	83,000 long distance train movements
Burden time per response:	15 minutes
Frequency of Response:	On occasion
Annual number of Responses:	100 designation letters
Annual Burden Hours:	
	25 hours

Calculation: 100 designation letters x 15 min. = 25 hours

- B. The railroad must maintain a record of all defective, inoperative, or ineffective brakes as well as any conditions not in compliance with Parts 215 and 231 of this chapter discovered at anytime during the movement of the train. These records must be retained for a period of one year and made available to FRA upon request. The records required by this section may be maintained either electronically or in writing.

As of April 2008, this provision no longer applies. Consequently, there is no burden associated with this requirement.

Total annual burden for this entire requirement is 25 hours.

Subpart D - Periodic Maintenance and Testing Requirements

§ 232.303 General Requirements.

- A. If it is necessary to move a car from the location where the repairs are performed in order to perform a repair track brake test or a single car test required by this part, a tag or card must be placed on both sides of the equipment, or an automated tracking system

approved for use by FRA, with the following information about the equipment:

- (i) The reporting mark and car number;
- (ii) The name of the inspecting railroad;
- (iii) The location where repairs were performed and date;
- (iv) Indication whether the car requires a repair track brake test or single car test;
- (v) The location where the appropriate test is to be performed; and
- (vi) The name, signature, if possible, and job title of the qualified person approving the move.

The tag or card required by paragraph (e)(1) of this section must remain affixed to the equipment until the necessary test has been performed.

An electronic or written record or copy of each tag or card attached to or removed from a car or locomotive must be retained for 90 days and, upon request, shall be made available within 15 calendar days for inspection by FRA or State inspectors.

The record or copy of each tag or card removed from a freight car or locomotive must contain the date, location, and the signature of the qualified person removing it from the piece of equipment.

FRA estimates that approximately 2,800 cars will be tagged (on both sides) annually under this requirement. Thus, approximately 5,600 tags will be completed. It is estimated that will take approximately five (5) minutes to complete each tag. Total annual burden for this requirement is 467 hours.

Respondent Universe:	1,600,000 freight cars
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	5,600 tags
Annual Burden Hours:	467 hours

Calculation: 5,600 tags x 5 min. = 467 hours

- B. The location and date of the last repair track brake test or single car test required by § 232.305 must be clearly stenciled, marked, or labeled in two-inch high letters or

numerals on the side of the equipment. Alternatively, the railroad may use an electronic or automated tracking system to track the required information and the performance of the tests required by § 232.305.

Electronic or automated tracking systems used to meet the requirement contained in this paragraph may be reviewed and monitored by FRA at any time to ensure the integrity of the system. FRA's Associate Administrator for Safety may prohibit or revoke the railroad's ability to utilize an electronic or automated tracking system in lieu of stenciling or marking if FRA finds that the electronic or automated tracking system is not properly secure; is inaccessible to FRA or railroad employees; or fails to adequately track and monitor the equipment. Such a determination will be made in writing and will state the basis for such action.

FRA estimates that approximately 320,000 cars will need stenciling annually under this requirement. It is estimated that each stencil will take approximately five (5) minutes. Total annual burden for this requirement is 26,667 hours.

Respondent Universe:

1,600,000
freight cars

Burden time per response:

5 minutes

Frequency of Response:

On occasion

Annual number of Responses: 320,000 stencilings

Annual Burden Hours: 26,667 hours

Calculation: 320,000 stencilings x 5 min. = 26,667 hours

Total annual burden for this entire requirement is 27,134 hours (467 + 26,667).

§ 232.305 **Single Car tests.**

Single car tests must be performed by a qualified person in accordance with either Section 3.0, "Tests-Standard Freight Brake Equipment," and Section 4.0, "Special Tests," of the Association of American Railroads Standard S-486-04, "Code of Air Brake System Tests for Freight Equipment," contained in the AAR *Manual of Standards and*

Recommended Practices, Section E, (January 1, 2004); an alternative procedure approved by FRA pursuant to § 232.17; or a modified procedure approved in accordance with the provisions contained in § 232.307. (Note: The burdens for alternative procedures and modified procedures, are included under that of § 232.17 and § 232.307, respectively. Consequently, there is no additional burden associated with these requirements.)

FRA estimates that approximately 320,000 cars will require a single car test each year. Test results have to be entered into AAR's electronic recordkeeping system called UMLER (Uniform Machine Language Equipment Register). It is estimated that it takes approximately 45 minutes to conduct the test and record the results in UMLER. Total annual burden for this requirement is 240,000 hours.

Respondent Universe:

1,600,000
freight cars

Burden time per response:

45 minutes

Frequency of Response:

Annually

Annual number of Responses:

320,000 tests/records

Annual Burden Hours:

240,000
hours

Calculation: 320,000 tests/records x 45 min. = 240,000 hours

§232.307 Modification of the single car air brake test procedures.

(a) Request. The AAR or other authorized representative of the railroad industry may seek modification of the single car air brake test procedures prescribed in § 232.305(a). The request for modification must be submitted in triplicate to the Associate Administrator for Safety, Federal Railroad Administration, 1200 New Jersey, S.E., Washington, D.C. 20590 and must contain: (1) The name, title, address, and telephone number of the primary person to be contacted with regard to review of the modification; (2) The modification, in detail, to be substituted for a particular procedure prescribed in § 232.305(a); (3) Appropriate data or analysis, or both, for FRA to consider in determining whether the modification will provide at least an equivalent level of safety; and (4) A statement affirming that the railroad industry has served a copy of the request

on the designated representatives of the employees responsible for the equipment's operation, inspection, testing, and maintenance under this part, together with a list of the names and addresses of the persons served. **(Old Requirement)**

FRA estimates that it will receive approximately one (1) modification request each year with the necessary data and/or analysis under the above requirement. It is estimated that it will take approximately four (4) hours to complete each request, and approximately five (5) minutes to complete each required copy of the request. Total annual burden for this requirement is four (4) hours.

Respondent Universe:	AAR
Burden time per response:	4 hours + 5 minutes
Frequency of Response:	Annually
Annual number of Responses:	1 modification request + 3 copies
Annual Burden Hours:	4 hours

Calculation: 1 modification requests x 4 hrs. + 3 copies x 5 min. = 4 hrs.

Additionally, FRA estimates that approximately one (1) statement affirming that requests copies have been served to the designated representatives of the employees responsible for the equipment's operation, inspection, testing, and maintenance and four (4) modification request copies will be completed under the above requirement. It is estimated that it will take approximately 30 minutes to complete each affirmative statement and approximately five (5) minutes to copy and send the modification request. Total annual burden for this requirement is one (1) hour.

Respondent Universe:	AAR
Burden time per response:	30 minute s + 5 minute s

Frequency of Response:	Annually
Annual number of Responses:	1 statement + 4 copies
Annual Burden Hours:	1 hour

Calculation:

1
statement
ent x
30
min. +
4
copies
x 20
min. =
1 hour

(b) Federal Register document. Upon receipt of a request for modification, FRA will publish a document in the **Federal Register** containing the requested modification. The document will permit interested parties 60 days to comment on any requested modification.

FRA estimates that it will receive approximately two (2) comments regarding modification requests under the above requirement. It is estimated that it will take approximately 60 minutes to complete each comment. Total annual burden for this requirement is two (2) hours.

Respondent Universe:

Burden time per response:	RR Industry/ Gen. Public/ Int. Parties 60 minutes
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Frequency of Response:		On occasion
Annual number of Responses:	2 comments	
Annual Burden Hours:		2 hours

Calculation:

2
 comments x
 60
 min. =
 2 hours

Total annual burden for this entire requirement is 7 hours (4 + 1 + 2)

§ 232.309 Repair track brake test and single car test equipment and devices.

- (a) Equipment and devices used to perform single car air brake tests must be tested for correct operation at least once each calendar day of use.
- (b) Except for single car test devices, mechanical test devices such as pressure gauges, flow meters, orifices, etc., must be calibrated once every 92 days.
- (c.) Electronic test devices must be calibrated at least once every 365 days.
- (d) Test equipment and single car test devices placed in service must be tagged or labeled with the date its next calibration is due.
- (e) Each single car test device must be tested not less frequently than every 92 days after being placed in service and may not continue in service if more than one year has passed since its last 92 day test.
- (f) Each single car test device must be disassembled and cleaned not less frequently than every 365 days after being placed in service.

FRA is requiring that mechanical devices and gauges be tested and calibrated every 92

days; whereas, electronic gauges and devices appear to have much less exposure to many of the hazards encountered by mechanical devices and gauges and tend to be much more reliable and accurate for a longer period of time. Consequently, FRA only requires electronic yard test devices and gauges to be tested and/or calibrated on an annual basis.

FRA estimates that approximately 5,000 calibration tests will be performed annually. It is estimated that each test will take approximately 30 minutes to perform the test and record the results. Total annual burden for this requirement is 2,500 hours.

Respondent Universe:	640 shops
Burden time per response:	30 minutes
Frequency of Response:	Annually
Annual number of Responses:	5,000 tests
Annual Burden Hours:	
	2,500 hours

Calculation: 5,000 tests x 30 min. = 2,500 hours

Subpart E - End-of-Train Devices

§ 232.403 Design standards for one-way end-of-train devices.

Rear unit. The rear unit must be capable of determining brake pipe pressure on the rear car and transmitting that information to the front unit for display to the locomotive engineer.

This information is communicated mechanically, and is not a paperwork requirement. Rather, it is a regulatory requirement governing the operation of the train which was mistakenly inserted into earlier submissions. Consequently, there is no burden associated with this provision.

Unique code. Each rear unit must have a unique and permanent identification code that is transmitted along with the pressure message to the front-of-train unit. A code obtained from the Association of American Railroads (AAR), 50 F Street, NW., Washington, D.C. 20036, shall be deemed to be a unique code for purposes of this section. A unique code also may be obtained from the Office of Safety Assurance and Compliance (RRS-10), Federal Railroad Administration, Washington, D.C. 20590.

FRA estimates that approximately 12 unique code requests will be received annually under this requirement. It is estimated that it will take approximately five (5) minutes for

each request. Total annual burden for this requirement is one (1) hour.

Respondent Universe:	245 railroads	
Burden time per response:	5 minutes	
Frequency of Response:	On occasion	
Annual number of Responses:	12 requests	
Annual Burden Hours:		1 hour

Calculation: 12 requests x 5 min. = 1 hour

§ 232.405 **Design and performance standards for two-way-end-of-train devices.**

- A. The rear unit of the device shall send an acknowledgment message to the front unit immediately upon receipt of an emergency brake application command. The front unit shall listen for this acknowledgment and repeat the brake application command if the acknowledgment is not correctly received.

This information is communicated mechanically, and is not a paperwork requirement. Rather, it is a regulatory requirement governing the operation of the train which was mistakenly inserted into earlier submissions. Consequently, there is no burden associated with this provision.

- B. The front unit shall have a manually operated switch which, when activated, shall initiate an emergency brake transmission command to the rear unit, or the locomotive shall be equipped with a manually operated switch on the engineer control stand designed to perform the equivalent function. The switch must be labeled "Emergency" and must be protected so that there will exist no possibility of accidental activation.

NOTE: This is not a paperwork requirement since we provide the railroads with the words that they must stencil.

§ 232.407 **Operations requiring use of two-way end-of-train devices; prohibition on purchase of nonconforming devices.**

The helper locomotive engineer must initiate and maintain two-way voice radio communication with the engineer on the head end of the train; this contact must be verified just prior to passing the crest of the grade.

FRA estimates that there approximately 50,000 communications will take place annually due to this requirement. It is estimated that each communication will take approximately 30 seconds. Total annual burden for this requirement is 417 hours.

Respondent Universe:	245 railroads
Burden time per response:	30 seconds
Frequency of Response:	On occasion
Annual number of Responses:	50,000 communications
Annual Burden Hours:	

417
hours

Calculation: 50,000 communications x 30 seconds = 417 hours

§ 232.409 Inspection and testing of end-of-train devices.

- A. A two-way end-of-train device must be tested at the initial terminal or other point of installation to ensure that the device is capable of initiating an emergency power brake application from the rear of the train. If this test is conducted by a person other than a member of the train crew, the locomotive engineer must be notified that a successful test was performed. The notification required by this paragraph may be provided to the locomotive engineer by any means determined appropriate by the railroad; however, a written or electronic record of the notification must be maintained in the cab of the locomotive and must include the date and time of the test, the location where the test was performed, and the name of the person conducting the test.

FRA requires that the locomotive engineer be informed in an appropriate way determined by the railroad when the required tests and inspections are performed by a person other than a train crew member. FRA requires that a record, either electronic or written, of the notification be kept in the cab of the locomotive, and that this notification include the date and time of the test, the location where the test was performed, and the name of the person performing the test.

FRA estimates that this will happen in approximately 75% of the tests to be performed annually or 447,500 times a year. Per test, it is estimated that it will take approximately 30 seconds for the person to inform the locomotive engineer (whether verbally or in writing) that the two-way end-of-train devices have been tested. Total annual burden for this requirement is 3,729 hours.

Respondent Universe:

245
railroads

Burden time per response: 30
seconds

Frequency of Response: On
Occasion

Annual number of Responses: 447,500 communications
Annual Burden:

3,729
hours

Calculation: 447,500 communications x 30 sec. = 3,729 hours

- B. The telemetry equipment must be tested for accuracy and calibrated if necessary according to the manufacturer's specifications and procedures at least every 365 days. This must include testing radio frequencies and modulation of the device. The date and location of the last calibration or test, as well as the name of the person performing the calibration or test, must be legibly displayed on a weather-resistant sticker or other marking device affixed to the outside of both the front unit and the rear unit; however, if the front unit is an integral part of the locomotive, then the above information may be recorded on Form FRA F6180.49A, provided the serial number of the unit is recorded.

It is estimated that approximately 32,708 end-of-train devices will need to be calibrated annually. FRA estimates that it will take approximately one (1) minute per unit to record the date of the last calibration, the location where the calibration was made, and the name of the person doing the calibration on a sticker and affix the sticker outside of the front and rear unit. Total annual burden is 545 hours.

Respondent Universe:

245
railroads

Burden time per response:

1
minute

Frequency of Response:

Annually

Annual number of Responses: 32,708 marked units
Annual Burden:

545
hours

Calculation: 32,708 marked units x 1 min. = 545 hours

Total annual burden for this entire requirement is 4,274 hours (3,729 + 545).

Subpart F - Introduction of New Brake System Technology

§ 232.503 Process to introduce new brake system technology.

- A. Pursuant to the procedures contained in § 232.17, each railroad must obtain special approval from the FRA Associate Administrator for Safety of a pre-revenue service acceptance testing plan, developed pursuant to § 232.505, for the new brake system technology, prior to implementing the plan.

This section makes clear that the approval of FRA's Associate Administrator for Safety

must be obtained by a railroad prior to the railroad's implementation of a pre-revenue service acceptance test plan and before introduction of new brake system technology into revenue service.

FRA estimates that it will receive approximately one (1) letter requesting approval annually under this requirement. It is estimated that it will take approximately one (1) hour to complete such an approval letter. Total annual burden for this requirement is one (1) hour.

Respondent Universe:	559 railroads
Burden time per response:	1 hour
Frequency of Response:	On occasion
Annual number of Responses:	1 letter
Annual Burden Hours:	1 hour

Calculation: 1 letter x 1 hour = 1 hour

- B. Each railroad must complete a pre-revenue service demonstration of the new brake system technology in accordance with the approved plan; must fulfill all of the other requirements prescribed in § 232.505; and must obtain special approval from the FRA Associate Administrator for Safety under the procedures of § 232.17 prior to using such brake system technology in revenue service.

FRA estimates that it will receive approximately one (1) request every 3 years. It is estimated that it will take the railroad approximately 10 hours to prepare its request and submit it to FRA. Total annual burden for this requirement is three (3) hours (1 x 10 hours ÷ 3 = 3 hours annually).

Estimated number of requests	1
Average hours per request	$\frac{3}{1}$
Estimated annual burden hours	3

Respondent Universe:	559 railroads
Burden time per response:	3 hours

Frequency of Response: On occasion
Annual number of Responses: 1 request
Annual Burden Hours:

3 hours

Calculation: 1 request x 3 hours = 3 hours

Total annual burden for this entire requirement is four (4) hours (1 + 3).

§ 232.505 **Pre-revenue service acceptance testing plan.**

- A. Except as provided in paragraph (f) of this section, before using a new brake system technology for the first time on its system, the operating railroad or railroads must submit a pre-revenue service acceptance testing plan containing the information required by paragraph (e) of this section and obtain the approval of the FRA Associate Administrator for Safety under the procedures specified in § 232.17.

For equipment that has not previously been used in revenue service in the United States, paragraph (a) of this section requires the operating railroad to develop a pre-revenue service acceptance testing plan and to obtain FRA approval of the plan under the procedures stated in § 232.17 before beginning testing.

After receiving FRA approval of the pre-revenue service testing plan and before introducing the new brake system technology into revenue service, the operating railroad or railroads must: (1) Adopt and comply with such FRA-approved plan, including fully executing the tests required by the plan; (2) Report to the FRA Associate Administrator for Safety the results of the pre-revenue service acceptance tests; and (3) Correct any safety deficiencies identified by FRA in the design of the equipment or in the inspection, testing, and maintenance procedures or, if safety deficiencies cannot be corrected by design or procedural changes, agree to comply with an operational limitations that may be imposed by the Associate Administrator for Safety on the revenue service operation of the equipment; and (4) Obtain FRA approval to place the new brake system technology in revenue service. The plan must be made available to FRA for inspection and copying upon request.

The plan must include all of the following elements:

- (1) An identification of each waiver, if any, of FRA or other Federal safety regulations required for the tests or for revenue service operation of the equipment.

- (2) A clear statement of the test objectives. One of the principal test objectives must be to demonstrate that the equipment meets the safety design and performance requirements specified in this Part when operated in the environment in which it is to be used.
- (3) A planned schedule for conducting the tests.
- (4) A description of the railroad property or facilities to be used to conduct the tests.
- (5) A detailed description of how the tests are to be conducted. This description must include:
 - (i) An identification of the equipment to be tested;
 - (ii) The method by which the equipment is to be tested;
 - (iii) The criteria to be used to evaluate the equipment's performance;
and
 - (iv) The means by which the test results are to be reported to FRA.
- (6) A description of any special instrumentation to be used during the tests.
- (7) A description of the information or data to be obtained.
- (8) A description of how the information or data obtained is to be analyzed or used.
- (9) A description of any criteria to be used as safety limits during the testing.
- (10) A description of the criteria to be used to measure or determine the success or failure of the tests. If acceptance is to be based on extrapolation of less than full level testing results, the analysis to be done to justify the validity of the extrapolation must be described.
- (11) A description of any special safety precautions to be observed during the testing.
- (12) A written set of standard operating procedures to be used to ensure that the testing is done safely.
- (13) Quality control procedures to ensure that the inspection, testing, and maintenance procedures are followed.

- (14) Criteria to be used for the revenue service operation of the equipment.
- (15) A description of any testing of the equipment that has previously been performed, if any.

First Year of Program

The burden for the first year of this requirement has already been completed. Consequently, there is no additional burden associated with this requirement.

Subsequent Years

FRA estimates that it will receive approximately one (1) maintenance procedure in subsequent years. It is estimated that it will take the railroad approximately 160 hours to prepare this maintenance procedure. Total annual burden for this requirement is 160 hours.

Estimated number of respondents	1
	Average hours per maintenance procedure
	<u>160</u>
Estimated annual burden hours	160
Respondent Universe:	559 railroads
Burden time per response:	160 hours
Frequency of Response:	On occasion
Annual number of Responses:	1 maintenance procedure
Annual Burden Hours:	160 hours

Calculation: 1 maintenance procedure x 160 hours = 160 hours

Amendments

FRA estimates that it will receive approximately one (1) amended maintenance procedure in subsequent years. It is estimated that it will take the railroad approximately 40 hours to prepare this maintenance procedure. Total annual burden for this requirement is 40 hours.

Estimated number of respondents	1
	Average hours per maintenance procedure
	<u>40</u>
Estimated annual burden hours	40

Respondent Universe:	559 railroads
Burden time per response:	40 hours
Frequency of Response:	On occasion
Annual number of Responses:	1 maintenance procedure
Annual Burden Hours:	40 hours
Calculation:	1 maintenance procedure x 40 hours = 40 hours

FRA estimates that it will receive approximately one (1) design description every three (3) years. It is estimated that it will take the railroad approximately 200 hours to create a new design requirement for new train brake system technology. Total annual burden for this requirement is 67 hours (1 x 200 hours ÷ 3 years = 67 hours annually).

Estimated number of petitions	1	
Average hours per petition		<u>67</u>
Estimated annual burden hours	67	

Respondent Universe:	559 railroads
Burden time per response:	67 hours
Frequency of Response:	On occasion
Annual number of Responses:	1 petition
Annual Burden Hours:	67 hours

Calculation: 1 petition x 67 hours = 67 hours

- B. Report to the FRA Associate Administrator for Safety the results of the pre-revenue service acceptance tests.

FRA estimates that approximately one (1) railroad will incorporate new train brake system technology every three (3) years. It is estimated that it will take the railroad approximately 40 hours to prepare, review, and submit its report to FRA analyzing the results of its pre-revenue service tests. Total annual burden for this requirement is 13 hours. (1 x 40 hours ÷ 3 years = 13 hours).

Estimated number of reports	1
Average hours per report	13
Estimated annual burden hours	13

Respondent Universe:	559 railroads
Burden time per response:	13 hours
Frequency of Response:	On occasion
Annual number of Responses:	1 report
Annual Burden Hours:	

13
hours

Calculation: 1 report x 13 hours = 13 hours

- C. For brake system technologies that have previously been used in revenue service in the United States, the railroad must test the equipment on its system, prior to placing it in revenue service, to ensure the compatibility of the equipment with the operating system (track, signals, etc.) of the railroad. A description of such testing must be retained by the railroad and made available to FRA for inspection and copying upon request.

FRA estimates that approximately five (5) descriptions will be sent to FRA under this requirement. It is estimated that it will take each railroad approximately 40 hours to prepare, and send the testing description. Total annual burden for this requirement is 200 hours.

Respondent Universe:	559 railroads
Burden time per response:	40 hours
Frequency of Response:	On occasion
Annual number of Responses:	5 descriptions
Annual Burden Hours:	200 hours

Calculation: 5 descriptions x 40 hours = 200 hours

Total annual burden for this entire requirement is 480 hours (160 + 40 + 67 + 13 + 200).

§ 232.603 **Design, interoperability, and configuration management requirements.**

- A. **General.** A freight car or freight train equipped with an ECP brake system must, at a minimum, meet the Association of American Railroads (AAR) standards contained in the AAR Manual of Standards and Recommended Practices related to ECP brake systems listed in this section (§ 232.603(a)); an alternate standard approved by FRA pursuant to § 232.17; or a modified standard approved in accordance with the provisions contained in paragraph (f) of this section. (**New Requirements**) (*Note: The burden for modified ECP*

brake system standards approved in accordance with § 232.603(f) is covered in the last paperwork requirement of this section.)

Section 232.17 stipulates that each petition for an alternative standard or test procedure must contain the following: (1) The name, title, address, and telephone number of the primary person to be contacted with regard to review of the petition; (2) The alternative standard or test procedure proposed, in detail, to be submitted for or to meet the particular requirement of this part; (3) Appropriate data or analysis, or both, for FRA to consider in determining whether the alternative standard or test procedure will provide at least an equivalent level of safety or otherwise meet the requirements contained in this part; and (4) A statement affirming that the railroad has served a copy of the petition on designated representatives of its employees, together with a list of the names and addresses of the persons served.

FRA estimates that approximately zero (0) alternate ECP brake system standards will be submitted to FRA under the above requirement. Consequently, there is no burden associated with this provision.

- B. Approval. A freight car or freight train equipped with an ECP brake system and equipment covered by the AAR standards incorporated by reference in this section shall not be used without conditional or final approval by the AAR in accordance with AAR Standard S-4240, “ECP Brake Equipment – Approval Procedures” (2007).

The burden for this requirement is included under that of § 232.17 above. Consequently, there is no additional burden associated with this requirement.

- D. Configuration management. A railroad operating a freight train or freight car equipped with ECP brake systems must adopt and comply with the configuration management plan developed in accordance with the AAR standards incorporated by reference in this section (232.603). FRA reserves the right to audit a manufacturer’s configuration management plan at any time. **(New Requirement)**

FRA estimates that approximately one (1) configuration management plan will be developed, adopted, and implemented under the above requirement (most likely by the Association of American Railroads (AAR)). It is estimated that it will take approximately 160 hours to complete the configuration management plan. Total annual burden for this requirement is 160 hours.

Respondent Universe:	4 railroads
Burden time per response:	160 hours
Frequency of Response:	One-time
One-time number of Responses:	1 configuration management plan
One-time Burden Hours:	

160
hours

Calculation: 1 petition x 60 min. + 1 plan x 160 hrs. = 161 hours

Subsequent Years

FRA estimates that approximately one (1) configuration management plans will be periodically updated (by railroads) to maintain currency under the above requirement. It is estimated that it will take approximately 60 hours to update these plans submit them to FRA. Total annual burden for this requirement is 60 hours.

Respondent Universe:	4 railroads
Burden time per response:	60 hours
Frequency of Response:	On occasion
One-time number of Responses:	1 updated plan
One-time Burden Hours:	

60
hours

Calculation: 1 updated plan x 60 hrs. = 60 hours

- D. **New technology.** Upon written request supported by suitable justification, the Associate Administrator (for Safety) may except from the requirements of subpart F of this part the testing of new ECP brake technology, demonstration of new ECP brake technology, or both, where testing or demonstration, or both, will be conducted pursuant to an FRA-recognized industry standard and FRA is invited to monitor the testing or demonstration, or both. (**New Requirements**)

FRA estimates that it will receive zero (0) exception requests under the above requirement. Consequently, there is no burden associated with this requirement.

FRA's Associate Administrator (for Safety) may revoke such exception in writing after providing an opportunity for responses by affected parties.

Since FRA estimates that it will receive zero exception requests, no exceptions will be revoked by the Associate Administrator under the above requirement. Consequently,

there is no additional burden associated with this requirement.

- E. **Modification of standards.** The AAR or other authorized representative of railroad industry may seek modification of the industry standards identified in or approved pursuant to paragraph (a) of this section. The request for modification will be handled and must be submitted in accordance with the modification procedures contained in § 232.307. **(New Requirements)**

Section 232.307 stipulates that the request for modification must be submitted in triplicate to the Associate Administrator for Safety, Federal Railroad Administration, 1200 New Jersey Ave. S.E., Washington, D.C. 20590 and must contain: (1) The name, title, address, and telephone number of the primary person to be contacted with regard to review of the modification; (2) The modification, in detail, to be substituted for a particular procedure prescribed in § 232.305(a); (3) Appropriate data or analysis, or both, for FRA to consider in determining whether the modification will provide at least an equivalent level of safety.

FRA estimates that it will receive approximately one (1) request each year to modify the standards contained in AAR Manual of Standards and Recommended Practices related to ECP brake systems listed in this section (§ 232.603(a)). It is estimated that it will take approximately eight (8) hours to complete the modification request and five (5) minutes each to make the two additional copies to submit the request in triplicate to FRA. Total annual burden for this requirement is eight (8) hours.

Respondent Universe:	4 railroads
Burden time per response:	8 hours + 5 minutes
Frequency of Response:	On occasion
One-time number of Responses:	1 modification request + 2 copies
One-time Burden Hours:	

8 hours

Calculation: 1 modification request x 8 hrs. + 2 copies x 5 min. =
8 hours

(4) A statement affirming that the railroad industry has served a copy of the request on the designated representatives of the employees responsible for the equipment's operation, inspection, testing, and maintenance under this part, together with a list of the names and addresses of the persons served.

FRA estimates that approximately four (4) affirmative statements will be completed and

six (6) copies of the modification request will be served by each of the four railroads on the designated representatives of the employees responsible for the ECP brake system equipment's operation, inspection, testing, and maintenance under this requirement. It is estimated that it will take approximately 60 minutes to complete each affirmative statement and approximately five (5) minutes to complete each modification request copy. Total burden for this requirement is six (6) hours.

Respondent Universe:	4 railroads
Burden time per response:	60 minutes + 5 minutes
Frequency of Response:	On occasion
One-time number of Responses:	4 affirmative statements + 24 modification request copies
One-time Burden Hours:	6 hours

Calculation: 4 affirmative statements x 60 min. + 24 req. x 5 min. = 6 hrs

Further, § 232.307 says that, upon receipt of a request for modification, FRA will publish a document in the **Federal Register** containing the requested modification. Interested parties then have 60 days to comment on any requested modification. FRA estimates that approximately four (4) comments will be sent to the agency under the above requirement, and that it will take approximately two (2) hours to complete each comment. Total annual burden for this requirement is eight (8) hours.

Respondent Universe:	Public/Interested Parties
Burden time per response:	2 hours
Frequency of Response:	On occasion
One-time number of Responses:	4 comments on modification requests
One-time Burden Hours:	8 hours

Calculation: 4 comments x 2 hrs. = 8 hours

Total annual burden for this entire requirement is 242 hours (160 + 60 + 8 + 6 + 8).

§ 232.605 Training requirements.

(a) Inspection, Testing and Maintenance. A railroad that operates a freight car or freight train equipped with an ECP brake system and each contractor who performs inspection, testing, or maintenance on a freight car or freight train equipped with an ECP brake system must adopt and comply with a training, qualification, and designation program for its employees who perform inspection, testing or maintenance of ECP brake systems. The training program required by this section shall meet the requirements in § 232.203(a), (b), (e), and (f). (**New Requirements**)

FRA estimates approximately four (4) training, qualification, and designation programs will be developed by railroads under the above requirement. It is estimated that it will take each railroad approximately 100 hours to develop such a program. Total burden for this requirement is 400 hours.

Respondent Universe:	4 railroads
Burden time per response:	100 hours
Frequency of Response:	One-time
One-time number of Responses:	4 programs
One-time Burden Hours:	400 hours

Calculation: 4 programs x 100 hrs. = 400 hours

Subsequent Years

In subsequent years, FRA estimates approximately two (2) additional railroads will convert to ECP brakes and an additional two training, qualification, and designation programs will be developed by these railroads. It is estimated that it will take each railroad approximately 100 hours to develop such a program. Total burden for this requirement is 200 hours.

Respondent Universe:	4 railroads
Burden time per response:	100 hours
Frequency of Response:	On occasion
Annual number of Responses:	2 programs
Annual Burden Hours:	200 hours

Calculation: 2 programs x 100 hrs. = 200 hours

Additionally, under § 232.203(b), as part of developing the above required program, the railroad or contractor must: (3) Require all employees to successfully complete a training curriculum that covers the skills and knowledge the employee will need to possess in order to perform the tasks required by this part that the employee will be responsible for performing, including the specific Federal regulatory requirements contained in this part related to the performance of a task for which the employee will be responsible; (4) Require all employees to pass a written or oral examination covering the skills and knowledge the employee will need to possess in order to perform the tasks required by this part that the employee will be responsible for performing, including the specific Federal regulatory requirements contained in this part related to the performance of a task for which the employee will be responsible for performing; and (5) Require all employees to individually demonstrate "hands-on" capability by successfully applying the skills and knowledge the employee will need to possess in order to perform the tasks required by this part that the employee will be responsible for performing to the satisfaction of the employee's supervisor or designated instructor. (6) An employee hired

or working prior to June 1, 2001, for a railroad or contractor covered by this part will be considered to have met the requirements, or a portion of the requirements, contained in paragraphs (b)(3) through (b)(5) of this section if the employee receives training and testing on the specific Federal regulatory requirements contained in this part related to the performance of the tasks which the employee will be responsible for performing; and if: (i) The training or testing, including efficiency testing, previously received by the employee is determined by the railroad or contractor to meet the requirements, or a portion of the requirements, contained in paragraphs (b)(3) through (b)(5) of this section and such training or testing can be documented as required in paragraphs (e)(1) through (e)(4) of this section; (ii) The employee passes an oral, written, or practical, "hands-on" test developed or adopted by the railroad or contractor which is determined by the railroad or contractor to ensure that the employee possesses the skills and knowledge, or a portion of the skills or knowledge, required in paragraphs (b)(3) through (b)(5) of this section and the test is documented as required in paragraph (e) of this section; or (iii) The railroad or contractor certifies that a group or segment of its employees has previously received training or testing determined by the railroad or contractor to meet the requirements, or a portion of the requirements, contained in paragraphs (b)(3) through (b)(5) of this section and complete records of such training are not available, provided the following conditions are satisfied: (A) The certification is placed in the employee's training records required in paragraph (e) of this section; (B) The certification contains a brief description of the training provided and the approximate date(s) on which the training was provided; and (C) Any employee determined to be trained pursuant to this paragraph is given a diagnostic oral, written, or "hands-on" test covering that training for which this paragraph is relied upon at the time the employee receives his or her first periodic refresher training under paragraph (b)(8) of this section. (iv) Any combination of the training or testing contained in paragraphs (b)(6)(i) through (b)(6)(iii) of this section and paragraphs (b)(3) through (b)(5) of this section. (7) Require supervisors to exercise oversight to ensure that all the identified tasks are performed in accordance with the railroad's written procedures and the specific Federal regulatory requirements contained in this part; (8) Require periodic refresher training, at an interval not to exceed three years, that includes classroom and "hands-on" training, as well as testing; except that employees that have completed their initial training under paragraphs (b)(3) through (b)(6) of this part prior to April 1, 2004, shall not be required to complete their first periodic refresher training until four years after the completion of their initial training, and every three years thereafter. Observation and evaluation of actual performance of duties may be used to meet the "hands-on" portion of this requirement, provided that such testing is documented as required in paragraph (e) of this section; and (9) Add new brake systems to the training, qualification and designation program prior to its introduction to revenue service.

Over the anticipated 10-year implementation period of the final rule, FRA estimates approximately 6,409 employees – 2,994 railroad inspectors and 3,415 conductors/locomotive engineers – will successfully complete the initial ECP training curriculum each year, including passing a written or oral exam under the above

requirement. It is estimated that training classes will be conducted in groups of 25. Thus, there will be a total of approximately 120 training classes for railroad inspectors and approximately 137 training classes for conductors/locomotive engineers. It is estimated that it will take approximately eight (8) hours to initially train railroad inspectors and 24 hours to initially train conductors/locomotive engineers. Total annual burden for this requirement is 105,512 hours.

Respondent Universe:	4 railroads
Burden time per response:	8 hours + 24 hours
Frequency of Response:	One-time
One-time number of Responses:	6,409 ECP trained employees
One-time Burden Hours:	105,512 hours

Calculation: 2,944 insp. x 8 hrs. + 3,415 conductor/engineers. x 24 hrs. = 105,512 hours

Subsequent Years

Additionally, FRA estimates these 6,409 employees – 2,994 railroad inspectors and 3,415 conductors/locomotive engineers – will also receive ECP annual training. Again, it is estimated that training classes will be conducted in groups of 25 and that there will be a total of approximately 120 training classes for railroad inspectors and approximately 137 training classes for conductors/locomotive engineers. It is estimated that it will take approximately one (1) hour to conduct/complete the annual training for railroad inspectors and approximately eight (8) hours to conduct/complete the annual training for train conductors/locomotive engineers. Total annual burden for this requirement is 30,264 hours.

Respondent Universe:	4 railroads
Burden time per response:	1 hour + 8 hours
Frequency of Response:	One-time
One-time number of Responses:	6,409 ECP trained employees
One-time Burden Hours:	30,264 hours

Calculation: 2,944 insp. x 1 hr. + 3,415 conductors/engineers x 8 hrs. = 30,264 hours

Further, under § 232.203(e), a railroad or contractor must maintain adequate records to demonstrate the current qualification status of all of its personnel assigned to inspect, test, or maintain a train brake system. The records required by this paragraph may be maintained either electronically or in writing and must be provided to FRA upon request. These records must include the following information concerning each such employee: (1) The name of the employee; (2) The dates that each training course was completed; (3) The content of each training course successfully completed; (4) The employee's

scores on each test taken to demonstrate proficiency; (5) A description of the employee's "hands-on" performance applying the skills and knowledge the employee needs to possess in order to perform the tasks required by this part that the employee will be responsible for performing and the basis for finding that the skills and knowledge were successfully demonstrated; (6) The tasks required to be performed under this Part which the employee is deemed qualified to perform; and (7) Identification of the person(s) determining that the employee has successfully completed the training necessary to be considered qualified to perform the tasks identified in paragraph (e)(7) of this section. (8) The date that the employee's status as qualified to perform the tasks identified in paragraph (e)(7) of this section expires due to the need for refresher training.

FRA estimates approximately 6,409 records will be created/amended relating to the initial ECP training and qualifications records under the above requirement. It is estimated that it will take approximately eight (8) minutes to complete each record. Total burden for this requirement is 855 hours.

Respondent Universe:	4 railroads
Burden time per response:	8 minutes
Frequency of Response:	On occasion
One-time number of Responses:	6,409 ECP records
One-time Burden Hours:	855 hours

Calculation: 6,409 ECP records x 8 min. = 855 hours

Subsequent Years (Records)

FRA estimates approximately 6,409 records will be updated relating to the recurring ECP training and qualifications records under the above requirement. It is estimated that it will take approximately four (4) minutes to complete each record. Total burden for this requirement is 428 hours.

Respondent Universe:	4 railroads
Burden time per response:	4 minutes
Frequency of Response:	On occasion
One-time number of Responses:	6,409 ECP records
One-time Burden Hours:	428 hours

Calculation: 6,409 ECP records x 4 min. = 428 hours

Finally, under § 232.203(f), a railroad or contractor must adopt and comply with a plan to periodically assess the effectiveness of its training program. One method of validation and assessment could be through the use of efficiency tests or periodic review of employee performance.

FRA estimates approximately four (4) ECP plans will be developed/amended to existing plans under the above requirement. It is estimated that it will take each railroad approximately 40 hours to develop such a plan/amend the existing plan. Total burden for this requirement is 160 hours.

Respondent Universe:	4 railroads
Burden time per response:	40 hours
Frequency of Response:	One-time
One-time number of Responses:	4 ECP plans
One-time Burden Hours:	160 hours

Calculation: 4 Amended ECP plans x 40 hrs. = 160 hours

(b) Operating rules. A railroad operating a freight car or freight train equipped with an ECP brake system shall amend its operating rules to govern safe train handling procedures related to ECP brake systems and equipment under all operating conditions, and shall tailor its operating rules to the specific equipment and territory of the railroad.

FRA estimates approximately four (4) written operating rules regarding safe train handling procedures of ECP brake systems and equipment will be amended under the above requirement. It is estimated that it will take each railroad approximately 24 hours to amend its written operating rules. Total burden for this requirement is 96 hours.

Respondent Universe:	4 railroads
Burden time per response:	24 hours
Frequency of Response:	One-time
One-time number of Responses:	4 ECP amended operating rules
One-time Burden Hours:	96 hours
	Annual Cost:
	\$8,736

Calculation: 4 ECP amended operating rules x 24 hrs. = 96 hours

(c) Locomotive Engineers. A railroad operating a freight car or freight train equipped with an ECP brake system must adopt and use in its training program under part 240 specific knowledge, skill, and ability criteria to ensure that its locomotive engineers are fully trained with the operating rules governing safe train handling procedures related to ECP brake systems and equipment under all operating conditions and tailored to the specific equipment and territory of the railroad.

FRA estimates approximately four (4) locomotive engineer certification programs will be amended to include ECP brake systems and equipment specific knowledge, skill, and ability criteria under the above requirement. It is estimated that it will take each railroad

approximately 40 hours to amend their certification programs. Total burden for this requirement is 160 hours.

Respondent Universe:	4 railroads
Burden time per response:	40 hours
Frequency of Response:	One-time
One-time number of Responses:	4 amended locomotive engineer certification programs
One-time Burden Hours:	160 hours

Calculation: 4 amended loco. engineer cert. prog. x 40 hrs. = 160 hours

The burden for training locomotive engineers is already covered in § 232.605(a) above. Consequently, there is no additional burden associated with this requirement.

Finally, as noted earlier, § 232.203(e) stipulates that a railroad or contractor must maintain adequate records to demonstrate the current qualification status of all of its personnel assigned to inspect, test, or maintain a train brake system.

The burden for training locomotive engineers is already covered in § 232.605(a) above. Consequently, there is no additional burden associated with this requirement.

Total annual burden for this entire requirement is 138,075 hours (400 + 200 + 105,512 + 30,264 + 855 + 428 + 160 + 96 + 160).

§ 232.607 Inspection and testing requirements.

- A. **Trains at initial terminal.** A freight train operating in ECP brake mode shall receive at its point of origin (initial terminal): a Class I brake test as described in § 232.205(c) by a qualified mechanical inspector (QMI); and a pre-departure freight inspection pursuant to Part 215 of this chapter by an inspector designated under § 215.11 of this chapter.
(New Requirements)

Among its other requirements, section 232.205(c) stipulates the following: When the release is initiated by the controlling locomotive or yard test device, the brakes on each freight car shall be inspected to verify that they did release; this may be performed by a “roll-by” inspection. If a “roll-by” inspection of the brake release is performed, train speed must not exceed 10 MPH and the qualified person performing the “roll-by” inspection must communicate the results of the inspection to the operator of the train. The operator of the train must note successful completion of the release portion of the inspection on the written record required in paragraph (d) of this section.

A railroad must notify the locomotive engineer that the Class I brake test was

satisfactorily performed and provide the information required in this paragraph to the locomotive engineer or place the information in the cab of the controlling locomotive following the test. The information required by this paragraph may be provided to the locomotive engineer by any means determined appropriate by the railroad; however, a written or electronic record of the information must be retained in the cab of the controlling locomotive until the train reaches its destination. The written or electronic record must contain the date, time, number of freight cars inspected, and identify the qualified person(s) performing the test and the location where the Class I brake test was performed.

FRA has found that train symbols change when trains are interchanged; crews do not know where trains originated, do not know mileage traveled, and do not know last tests and inspections performed. Without this knowledge of train history, railroads and train crews cannot possibly comply with Federal regulations in some instances. Therefore, FRA modified the language in the current regulation to eliminate this discrepancy, and further enhance the safety of train operations by requiring that an electronic or written record indicating the Class I brake test was satisfactorily performed be kept in the cab of the controlling locomotive. The locomotive engineer may receive the information that a roll-by release inspection has been completed via radio or other means of communication. The locomotive engineer may record the information on the inspection card. The notification must remain in the cab of the locomotive until the train reaches its destination. This modification in the language will ensure that train crews will know when the train they are operating is due attention for testing and inspection purposes, thereby enhancing the continued safe operation of the train.

FRA estimates that approximately 10,000 Class I brake test inspections will be performed by a qualified mechanical inspector and 10,000 notifications (records) to the locomotive engineer that the Class I brake test was successfully performed will be completed in writing/electronically each year under the above requirement each year. It is estimated that it will take approximately 90 minutes to perform each Class I brake test inspection and approximately 45 seconds to complete each notification. Total annual burden for this requirement is 15,125 hours.

Respondent Universe:	4 railroads
Burden time per response:	90 minutes + 45 seconds
Frequency of Response:	On occasion
Annual number of Responses:	10,000 inspections + 10,000 notifications/records
Annual Burden Hours:	15,125 hours

Calculation: 10,000 brake test inspections x 90 min. + 10,000 notifications/records x 45 seconds = 15,125 hours

B. Trains en route. (1) Except for a unit or cycle train, a train operating in ECP brake mode shall not operate a distance that exceeds its destination or 3,500 miles, whichever is less, unless inspections meeting the requirements of paragraph (a) of this section are performed on the train. (2) A unit or cycle train operating in ECP brake mode shall receive the inspections required in paragraph (a) of this section at least every 3,500 miles. (3) The greatest distance that any car in a train has traveled since receiving a Class I brake test by a qualified mechanical inspector (QMI) will determine the distance that the train has traveled. (4) A freight train operating in ECP brake mode shall receive a Class I brake test as described in § 232.305(c) by a qualified person at a location where the train is off air for a period of more than (i) 24 hours, or (ii) 80 hours, if that train remains inaccessible to the railroad and in an extended off air facility. For the purpose of this section, an extended off air facility means a location controlled by a sole shipper or consignee which restricts access to the train and provides sufficient security to deter vandalism.

The burden for this requirement is covered in that of § 232.607A above. Consequently, there is no additional burden associated with this requirement.

C. Cars added en route. (1) Each freight car equipped with an ECP brake system that is added to a freight train operating in ECP brake mode must receive a Class I brake test as described in § 232.205(c) by a qualified person, unless all of the following are met: (i) The car has received a Class I brake test by a qualified mechanical inspector within the last 3,500 miles; (ii) Information identified in § 232.205(e) relating to the performance of the previously received Class I brake test is provided to the train crew; (iii) The car has not been off air for more than 24 hours or more than 80 hours, if that train remains in an extended off air facility; and (iv) A visual inspection of the car’s brake systems is conducted to ensure that the brake equipment is intact and properly secured. This may be accomplished as part of the inspection required under § 215.13 of this chapter and may be conducted while the car is off air.

FRA estimates that approximately 1,000 blocks of cars will be affected annually by the above requirement. Thus, approximately 1,000 will need inspections and, of these 1,000 blocks of cars, approximately 500 will require notifications. It is estimated that it will take approximately 60 minutes to perform each Class I brake test inspection and approximately 45 seconds to complete each notification. Total annual burden for this requirement is 1,006 hours. *(Note: The cost for Class I Brake Inspections is already included in RIA; thus, only the notification costs are included below.)*

Respondent Universe:	4 railroads
Burden time per response:	60 minutes + 45 seconds
Frequency of Response:	On occasion
Annual number of Responses:	1,000 brake tests + 1,000 notifications
Annual Burden Hours:	1,006 hours

Calculation: 1,000 brake tests x 60 minutes + 1,000 notifications x 45 seconds = 1,006 hours

(2) Each car and each solid block of cars not equipped with an ECP brake system that is added to a train operating in ECP mode must receive a visual inspection to ensure it is properly placed in the train and safe to operate and must be moved and tagged in accordance with the provisions contained in § 232.15.

Under § 232.15, at the place where the railroad first discovers the defect, a tag or card must be placed on both sides of the defective equipment, except that defective locomotives may have the tag or card placed in the cab of the locomotive. In lieu of a tag or card, an automated tracking system approved for use by FRA shall be provided. The tag, card, or automated tracking system must contain the following information about the defective equipment: (i) The reporting mark and car or locomotive number; (ii) The name of the inspecting railroad; (iii) The name and job title of the inspector; (iv) The inspection location and date; (v) The nature of each defect; (vi) A description of any movement restrictions; (vii) The destination where the equipment it will be repaired; and (viii) The signature, or electronic identification, of the person reporting the defective condition.

The tag or card required by paragraph (b)(1) of this section must remain affixed to the defective equipment until the necessary repairs have been performed.

An electronic or written record or copy of each tag or card attached to or removed from a car or locomotive must be retained for 90 days and, upon request, must be made available within 15 calendar days for inspection by FRA or State inspectors.

Each tag or card removed from a car or locomotive must contain the date, location, reason for its removal, and the signature of the person who removed it from the piece of equipment.

Any automated tracking system approved by FRA to meet the tagging requirements contained in paragraph (b)(1) of this section must be capable of being reviewed and monitored by FRA at any time to ensure the integrity of the system. FRA's Associate Administrator for Safety may prohibit or revoke a railroad's authority to utilize an approved automated tracking system in lieu of tagging if FRA finds that the automated tracking system is not properly secure; is inaccessible to FRA or a railroad's employees; or fails to adequately track and monitor the movement of defective equipment. FRA will record such a determination in writing, include a statement of the basis for such action, and provide a copy of the document to the railroad.

Under this requirement, FRA is proposing that all cars or locomotives found with defective or inoperative braking equipment be tagged as bad and ordered with a designation of the location where the necessary repairs can and will be effectuated.

This will happen very rarely. FRA estimates that approximately 200 cars will require visual inspections and, as a result, approximately 200 defective cars will need tags (one tag for each side or a total of 400 tags) under this requirement. It is estimated that it will take approximately five (5) minutes to complete the visual inspection and approximately 2.5 minutes to prepare each tag and place it on one of the sides of the defective equipment. Total annual burden for this requirement is 34 hours.

Respondent Universe:		200
	Cars	
Burden time per response:		5
		minutes per inspection + 2.5
	minutes per tag	
Frequency of Response:		On occasion
Annual number of Responses:	200 inspections + 400 tags/electronic or written records	
Annual Burden Hours:	34 hours	

Calculation: 200 inspections x 5 min. + 400 tags/records x 2.5 min.
= 34 hours

Total annual burden for this entire requirement is 16,165 hours (15,125 + 1,006 + 34).

§ 232.609 Handling of defective equipment with ECP brake systems.

(a) Ninety-five percent of the cars in a train operating in ECP brake mode shall have effective and operative brakes prior to use or departure from the train's initial terminal location or any location where a Class I brake test is required to be performed on the entire train by a qualified mechanical inspector pursuant to § 232.607. **(New Requirements)**

(b) A freight car equipped with an ECP brake system that is known to have arrived with ineffective or inoperative brakes at initial terminal of the next train which the car is to be included or at a location where a Class I brake test is required under § 232.607(b)(1) through (b)(3) shall not depart that location with ineffective or inoperative brakes in a train operating in ECP mode, unless: (i) The location does not have the ability to conduct the necessary repairs; (ii) The car is hauled only for the purpose of repair to the nearest forward location where the necessary repairs can be performed consistent with the guidance contained in § 232.15(f); (iii) The car is not being placed for loading or unloading while being moved for repair unless unloading is necessary for the safe repair of the car; and (iv) The car is properly tagged in accordance with § 232.15(b).

The burden for this requirement is included under that of § 232.607C (2) above. Consequently, there is no additional burden associated with this requirement.

(c) A freight car equipped with only conventional pneumatic brakes shall not move in a freight train operating in ECP brake mode unless it would otherwise have effective and operative brakes if it were part of a conventional pneumatic brake-equipped train or could be moved from the location in defective condition under the provisions contained in and tagged in accordance with § 232.15.

FRA estimates that the number of cars affected by this requirement will be very few. FRA estimates that approximately 25 cars per year will need to be tagged (one tag on each side of the car or a total of 50 tags). It is estimated that it will take approximately 2.5 minutes to prepare each tag and place it on one of the sides of the defective car. Total annual burden for this requirement is two (2) hours.

Respondent Universe:		25
	Cars	
Burden time per response:		2.5 minutes per tag
Frequency of Response:		On occasion
Annual number of Responses:	50 tags/electronic or written records	
Annual Burden Hours:	2 hours	

Calculation: 50 tags/records x 2.5 min. = 2 hours

(d) A freight train operating in ECP brake mode shall not move if less than 85 percent of the cars in the train have operative and effective brakes. However, after experiencing a penalty for having less than 85 percent operative and effective brakes, a freight train operating in ECP brake mode may be moved if all of the following are met: (1) The train is visually inspected; (2) Appropriate measures are taken to ensure that the train is safely operated to the location where necessary repairs or changes to the consist can be made; (3) A qualified person determines that it is safe to move the train; and (4) The train is moved in ECP brake Switch Mode to the nearest or nearest forward location where necessary repairs or changes to the consist can be made.

FRA estimates that approximately 20 cars will require visual inspections and, as a result, approximately 20 defective cars will need tags (one tag for each side of the car or a total

of 40 tags) under this requirement. It is estimated that it will take approximately five (5) minutes to complete the visual inspection and approximately 2.5 minutes to prepare each tag and place it on one of the sides of the defective equipment. Total annual burden for this requirement is three (3) hours.

Respondent Universe:	Cars	20
Burden time per response:	5 minutes per inspection + 2.5 minutes per tag	
Frequency of Response:		On occasion
Annual number of Responses:	20 inspections + 40 tags/electronic or written records	
Annual Burden Hours:	3 hours	

Calculation: 20 inspections x 5 min. + 40 tags/records x 2.5 min. =
3 hours

(e) A freight car or locomotive equipped with an ECP brake system that is found with inoperative or ineffective brakes for the first time during the performance of a Class I brake test or while en route may be used or hauled without civil penalty liability under this part to its destination, not to exceed 3,500 miles; provided, all applicable provisions of this section are met and the defective car or locomotive is hauled in a train operating in ECP brake mode.

The burden for this requirement is included under that of § 232.609(b) above. Consequently, there is no additional burden associated with this requirement.

(f) A freight car equipped with an ECP brake system that is part of a train operating in ECP brake mode (1) that is found with a defective non-brake safety appliance may be used or hauled without civil penalty under this part to the nearest or nearest forward location where the necessary repairs can be performed consistent with the guidelines contained in § 232.15(f); (2) that is found with an ineffective or inoperative brake shall be hauled in accordance with the following: (i) § 232.15(e)(1); (ii) No more than two freight cars with brakes pneumatically cut out or five freight cars or five units in a multi-unit articulated piece of equipment with brakes electronically cut out shall be consecutively placed in the same train.

FRA estimates that approximately 75 cars will need tags (one tag for each side of the car or a total of 150 tags) under the above requirement. It is estimated that it will take approximately 2.5 minutes to prepare each tag and place it on one of the sides of the defective equipment. Total annual burden for this requirement is six (6) hours.

Respondent Universe:	Cars	75
Burden time per response:		2.5 minute s per tag
Frequency of Response:		On occasion
Annual number of Responses:	150 tags/electronic or written records	
Annual Burden Hours:	6 hours	
Calculation:	150 tags/records x 2.5 min. = 6 hours	

(g) A train operating with conventional pneumatic brakes shall not operate with freight cars equipped with stand alone ECP brake systems unless:

(1) The train has at least the minimum percentage of operative brakes required by paragraph (h) of this section when at an initial terminal or paragraph (d) of this section when en route; and

(2) The stand-alone ECP brake equipped cars are:

(i) Moved for the purpose of delivery to a railroad receiving the equipment or to a location for placement in a train operating in ECP brake mode or being moved for repair to the nearest available location where the necessary repairs can be made in accordance with § 232.15(a)(7) and (f);

(ii) Tagged in accordance with § 232.15(b); and

(iii) Placed in the train in accordance with § 232.15(e).

FRA estimates that approximately 500 cars moved for the purpose of delivery for repair will need to be tagged under the above requirement (one tag for each side or a total of 1,000 tags). It is estimated that it will take approximately 2.5 minutes to complete each tag. Total annual burden for this requirement is 42 hours.

Respondent Universe:	Cars	500
Burden time per response:		2.5 minute

s per
tag

Frequency of Response: On occasion

Annual number of Responses: 1,000 tags/electronic or written records

Annual Burden Hours: 42 hours

Calculation: 1,000 tags/records x 2.5 min. = 42 hours

(h) A train equipped and operated with conventional pneumatic brakes may depart an initial terminal with freight cars that are equipped with stand-alone ECP brake systems, provided all of the following are met: (1) The train has 100 percent effective and operative brakes on all cars equipped with conventional pneumatic brake systems; (2) The train has at least 95 percent effective and operative brakes when including the freight cars equipped with stand-alone ECP brake systems; and (3) The requirements contained in paragraph (g) of this section are met.

The burden for this requirement is included under that of § 232.609(g) above. Consequently, there is no additional burden associated with this requirement.

(i) Tagging of defective equipment. A freight car equipped with an ECP brake system that is found with ineffective or inoperative brakes will be considered to be electronically tagged under § 232.15(b)(1) and (b)(5) if the car is used or hauled in a train operating in ECP brake mode and the ECP brake system meets the following:

(1) The ECP brake system is able to display information in the cab of the lead locomotive regarding the location and identification of the car with defective brakes;

(2) The information is stored or downloaded and is accessible to FRA and appropriate operating and inspection personnel; and

(3) An electronic or written record of the stored information is retained and maintained in accordance with § 232.15(b)(3).

The burden for this requirement is included under that of § 232.609(b). Consequently, there is no additional burden associated with this requirement.

(j) Procedures for handling ECP brake system repairs and designation of repair locations.

(1) Each railroad operating freight cars equipped with ECP brake systems must adopt and comply with specific procedures developed in accordance with the requirements related to the movement of defective equipment contained in this subpart. These procedures must be made available to FRA upon request.

FRA estimates that approximately four (4) procedures will be developed under the above requirement. It is estimated that it will take approximately 24 hours to develop the necessary procedures and submit them to FRA. Total annual burden for this requirement is 96 hours.

Respondent Universe:	4 railroads
Burden time per response:	24 hours
Frequency of Response:	On occasion
Annual number of Responses:	4 procedures
Annual Burden Hours:	96 hours

Calculation: 4 procedures x 24 hrs. = 96 hours

(2) Each railroad operating freight trains in ECP brake mode must submit to FRA’s Associate Administrator for Safety a list of locations on its system where ECP brake system repairs will be performed.

FRA estimates that approximately four (4) lists will be submitted to FRA under the above requirement. It is estimated that it will take approximately eight (8) hours to develop each list and send it to FRA. Total annual burden for this requirement is 32 hours.

Respondent Universe:	4 railroads
Burden time per response:	8 hours
Frequency of Response:	On occasion
Annual number of Responses:	4 lists
Annual Burden Hours:	32 hours

Calculation: 4 lists x 8 hrs. = 32 hours

A railroad must notify FRA’s Associated Administrator for Safety in writing 30 days prior to any change in the locations designated for such repairs. A sufficient number of locations must be identified to ensure compliance with the requirements related to the handling of defective equipment contained in this part.

FRA estimates that approximately one (1) notification will be submitted to FRA regarding any changes in repair locations under the above requirement. It is estimated that it will take approximately 60 minutes to compose each notification and send it to FRA. Total annual burden for this requirement is one (1) hour.

Respondent Universe:	4 railroads
Burden time per response:	60 minutes
Frequency of Response:	On occasion
Annual number of Responses:	1 notification

Annual Burden Hours: 1 hour

Calculation: 1 notifications x 60 min. = 1 hour

Total annual burden for this entire requirement is 182 hours (2 + 3 + 6 + 42 + 96 + 32 + 1).

§ 232.611 Periodic maintenance.

(a) In addition to the periodic maintenance requirements contained in § 232.303(b) through (d), a freight car equipped with an ECP brake system must be inspected and repaired before being released from a shop or repair track to ensure the proper and safe condition of the following: (1) ECP brake system wiring and brackets; (2) ECP brake system electrical connections; (3) Car mounted ECP brake system components.

FRA estimates that approximately 500 inspections will be conducted each year under the above requirement. It is estimated that it will take approximately 10 minutes to conduct each inspection and record the results. Total annual burden for this requirement is 83 hours.

Respondent Universe:	500 freight cars
Burden time per response:	10 minutes
Frequency of Response:	Annually
Annual number of Responses:	500 inspections/records
Annual Burden Hours:	83 hours

Calculation: 500 tests/records x 10 min. = 83 hours

(b) Single car air brake test procedures. Prior to placing a freight car equipped with an ECP brake system into revenue service, it shall receive a single car air brake test using the appropriate standard submitted to and approved by FRA pursuant to § 232.17.

Under § 232.17(c), the following applies:

Petitions for special approval of pre-revenue service acceptance testing plan. Each petition for special approval of a pre-revenue service acceptance testing plan must contain: (1) The name, title, address, and telephone number of the primary person to be contacted with regard to review of the petition; and (2) The elements prescribed in § 232.505.

Each petition for special approval under § 232.17 (c) must be submitted in triplicate to the Associate Administrator for Safety, Federal Railroad Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590.

Under § 232.505(e), elements of the plan must include all of the following: (1) An identification of each waiver, if any, of FRA or other Federal safety regulations required for the tests or for revenue service operation of the equipment. (2) A clear statement of the test objectives. One of the principal test objectives shall be to demonstrate that the equipment meets the safety design and performance requirements specified in this part when operated in the environment in which it is to be used. (3) A planned schedule for conducting the tests. (4) A description of the railroad property or facilities to be used to conduct the tests. (5) A detailed description of how the tests are to be conducted. This description shall include: (i) An identification of the equipment to be tested; (ii) The method by which the equipment is to be tested; (iii) The criteria to be used to evaluate the equipment's performance; and (iv) The means by which the test results are to be reported to FRA. (6) A description of any special instrumentation to be used during the tests. (7) A description of the information or data to be obtained. (8) A description of how the information or data obtained is to be analyzed or used. (9) A description of any criteria to be used as safety limits during the testing. (10) A description of the criteria to be used to measure or determine the success or failure of the tests. If acceptance is to be based on extrapolation of less than full level testing results, the analysis to be done to justify the validity of the extrapolation shall be described. (11) A description of any special safety precautions to be observed during the testing. (12) A written set of standard operating procedures to be used to ensure that the testing is done safely. (13) Quality control procedures to ensure that the inspection, testing, and maintenance procedures are followed. (14) Criteria to be used for the revenue service operation of the equipment. (15) A description of all testing of the equipment that has previously been performed, if any.

FRA estimates that approximately one (1) procedure/petition and two copies will be submitted under the above requirement by the Association of American Railroads (AAR). All four railroads will follow this procedure. It is estimated that it will take approximately 100 hours to develop the procedure and compose the petition and approximately five (5) minutes to make a copy by the AAR. Total one-time burden for this requirement is 24 hours.

Respondent Universe:

1
Railroad
Repres

entative

Burden time per response: 24 hours + 5 minutes

Frequency of Response: One-time
Annual number of Responses: 1 procedure/petition + 2 copies
Annual Burden Hours: 24 hours

Calculation: 1 procedure/petition x 24 hrs. + 2 copies x 5 min. = 24 hrs.

(c) Except as provided in § 232.303(e), a single car air brake test conducted in accordance with the procedure submitted and approved in accordance with paragraph (b) of this section shall be performed by a qualified person on a freight car equipped with an ECP brake system whenever any of the events identified in § 232.305 occur, except for those identified in paragraph (f) of this section.

The burden for this requirement is already included under that of § 232.305. Consequently, there is no additional burden associated with this requirement.

(d) A single car air brake test conducted in accordance with the procedure submitted and approved in accordance with paragraph (b) of this section shall be performed by a qualified person on each freight car retrofitted with a newly installed ECP brake system prior to placing or using the car in revenue service.

FRA estimates that approximately 2,500 freight cars meeting the above requirements will require a single car test each year. Test results have to be entered into AAR's electronic recordkeeping system called UMLER (Uniform Machine Language Equipment Register). It is estimated that it takes approximately 45 minutes to conduct the test and record the results in UMLER. Total annual burden for this requirement is 1,875 hours.

Respondent Universe: 2,500 freight cars

Burden time per response: 45 minutes

Frequency of Response: Annually

Annual number of Responses: 2,500 tests/records
Annual Burden Hours: 1,875 hours

Calculation: 2,500 tests/records x 45 min. = 1,875 hours

(e) Modification of single car test standard. A railroad or a duly authorized representative of the railroad industry may seek modification of the single car test standard approved in accordance with paragraph (b) of this section. The request for modification will be handled and shall be submitted in accordance with the modification procedures contained in § 232.307.

FRA estimates that approximately one (1) modification per year will occur under the above requirement. It is estimated that it will take approximately 40 hours to modify the procedure and submit it to FRA for approval. Total annual burden for this requirement is 40 hours.

Respondent Universe:

1
Railroad
Representative

Burden time per response: 40 hours

Frequency of Response: On occasion
Annual number of Responses: 1 modified single car test procedure
Annual Burden Hours: 40 hours

Calculation: 1 modified single car test procedures x 40 hrs. = 40 hours

Total annual burden for this entire requirement is 2,022 hours (83 + 24 + 1,875 + 40).

Total annual burden for this entire information collection is 990,276 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 OR PRIVATE PRACTICES.**

Besides the costs to respondents enumerated in the answer to question number 12, there are other miscellaneous costs that railroads will incur annually from the old requirements. They are as follows:

\$7,018.00 Cost to print 140,358 tags @ \$.05 per tag
340.00 Copy costs for 566 documents, averaging 20 pages @ \$.03 each
849.00 Postage for 566 documents sent to FRA/other parties @ \$1.50 each

\$8,207.00 **TOTAL**

There are also additional costs associated with the new paperwork requirements beginning with § 232.603 and succeeding sections. They are as follows:

\$	82.00	Cost to print 1,640 tags @ \$.05 per tag
	17.00	Copy costs for 28 documents, averaging 20 pages @ \$.03 each
<u> </u>	42.00	Postage for 28 documents sent to FRA/other parties @ \$1.50 each
\$	141.00	TOTAL

\$8,348.00 **GRAND TOTAL**

Note: In the last approved submission in the OMB inventory, FRA mistakenly included labor costs for Executives, Professional/Administrative staff, and Train and Engine employees that increased the cost total to \$9,438,924. Since these costs were already included in the response to question number 12, FRA double counted these costs. [The actual miscellaneous costs amounted to \$31,000 in the previously approved submission. As noted above, the additional cost to respondents for this submission is \$8,207. Hence, the real change in costs to respondents is a decrease of \$22,793.]

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.

- A. There is no cost to the Federal Government connected to the recordkeeping requirements. These records are examined on a somewhat routine basis in connection with regular enforcement activities designed to monitor carrier compliance with inspection and testing requirements. The information on the record is not collected or compiled by any Federal agency.
- B. The reports required to be submitted to FRA will be reviewed and evaluated by a Motive Power and Equipment Specialist in Washington, D.C. It is estimated 200 hours will be required annually for these reviews. Based on \$61 per man hour (includes 40 percent for overhead), the annual cost to the Federal Government is \$12,200.

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

Because OMB mistakenly took the last submission for this information collection that was approved on January 22, 2007, for the maximum time period (3 years, with an expiration of January 31, 2010), out of the OMB inventory, this collection is being submitted as a reinstatement since the mistake was caught too late to rectify in the OMB ROCIS system.

The burden has increased by a total of *95,265 hours* from the last approved submission in the OMB inventory. The increase is due both to **adjustments** and **program changes**. Specifically, the following requirements reflect **adjustments** that increased the burden:

(1.) Under § 229.27, Annual Test, FRA *increased* its estimate of the number of tests and corresponding forms completed (from 18,000 to 30,000). This change in estimate *increased* the burden by *3,000 hours* (from 4,500 hours to 7,500 hours).

(2.) Under § 232.103A, General Requirements for All Train Brake Systems, FRA *increased* its estimate of the number of cars that will need stickers/stencils/badge plates (from 66,660 to 70,000). This change in estimate *increased* the burden by *557 hours* (from 11,110 hours to 11,667 hours).

(3.) Under § 232.105, General Requirements for Locomotives, FRA *increased* its estimate of the number of inspections and corresponding forms completed (from 20,000 to 30,000). This change in estimate *increased* the burden by *833 hours* (from 1,667 hours to 2,500 hours).

(4.) Under § 232.203, Training Program (Subsequent Years), FRA *increased* its estimate of the number of programs developed (from one (1) to five (5)). This change in estimate *increased* the burden by *400 hours* (from 100 hours to 500 hours).

(5.) Under § 232.203, Training Requirements, FRA *increased* its estimate of the number of amendments to the required written training programs due to a revised estimate of the total number of railroads (from 545 to 559). This change in estimate *increased* the burden by *112 hours* (from 4,360 hours to 4,472 hours).

(6.) Under § 232.307, Class IA Brake Tests – Subsequent Years, FRA *increased* its estimate of the number of designation lists (from one (1) to five (5)). This change in estimate *increased* the burden by *four (4) hours* (from one (1) hour to five (5) hours).

(7.) Under § 232.307, Modification of the Single Car Air Brake Test Procedures, FRA did not previously account for this old requirement in the last approved submission. This adjustment *increased* the burden by *seven (7) hours*.

These seven adjustments then *increased* the burden by *4,913 hours*.

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

(1.) Under § 232.107A, Air Source Requirements and Cold Weather Operations, FRA revised its estimate of the number of the number of plans that will be developed (from 50 to zero) since railroads have already fulfilled this requirement and the one-time burden has already been accounted for. This change in estimate *decreased* the burden by *2,000 hours* (from 2,000 hours to zero (0) hours).

(2.) Under § 232.107B, Air Source Requirements and Cold Weather Operations, FRA revised its estimate of the number of the number of operational procedures that will be adopted (from 37 to zero) since railroads have already fulfilled this requirement and the one-time burden has already been accounted for. This change in estimate *decreased* the burden by *740 hours* (from 740 hours to zero (0) hours).

(3.) Under § 232.109D, Dynamic Brake Requirements, FRA revised its estimate of the number of the number of stencilings for deactivated dynamic brakes (from 2,800 to zero) since railroads have already fulfilled this requirement and the one-time burden has already been accounted for. This change in estimate *decreased* the burden by *233 hours* (from 233 hours to zero (0) hours).

(4.) Under § 232.109D, Dynamic Brake Requirements (Subsequent Years), FRA decreased its estimate of the number of the number of stencilings for dynamic brakes that are declared deactivated (from 20 to 10). This change in estimate *decreased* the burden by *one (1) hour* (from two (2) hours to one (1) hour).

(5.) Under § 232.109H, Dynamic Brake Requirements, FRA revised its estimate of the number of the number of operating rules developed by railroads (from 100 to zero (0)) since railroads have already fulfilled this requirement for the first year and the one-time burden has already been accounted for. This change in estimate *decreased* the burden by *400 hours* (from 400 hours to zero (0) hours).

(6.) Under § 232.109I, Dynamic Brake Requirements, FRA revised its estimate of the number of the number of over-speed-top-rules developed by railroads (from 545 to zero (0)) since railroads have already fulfilled this requirement and the one-time burden has already been accounted for. This change in estimate *decreased* the burden by *545 hours* (from 545 hours to zero (0) hours).

(7.) Under § 232.109J, Dynamic Brake Requirements, FRA revised its estimate of the number of the number of amendments to locomotive engineer certification programs (from 100 to zero (0)) since railroads have already fulfilled this requirement and the one-time burden has already been accounted for. This change in estimate *decreased* the burden by *1,600 hours* (from 1,600 hours to zero (0) hours).

(8.) Under § 232.111, Train Information Handling, FRA revised its estimate of the number of the number of procedures developed by railroads (from 545 to zero (0)) since

railroads have already fulfilled this requirement for the first year and the one-time burden has already been accounted for. This change in estimate *decreased* the burden by *21,890 hours* (from 21,890 hours to zero (0) hours).

(9.) Under § 232.111, Train Information Handling – Subsequent Years), FRA revised its estimate of the number of the number of procedures developed by railroads (from 10 to five (5)). This change in estimate *decreased* the burden by *200 hours* (from 400 hours to 200 hours).

(10.) Under § 232.203, Training Requirements, FRA revised its estimate of the number of the number of programs developed by railroads (from 300 to zero (0)) since railroads have already fulfilled this requirement for the first year and the one-time burden has already been accounted for. This change in estimate *decreased* the burden by *30,000 hours* (from 30,000 hours to zero (0) hours).

(11.) Under § 232.205, Class I Brake Test - Initial Terminal Inspection, FRA decreased its estimate of the number of required notifications (from 1,656,000 to 1,646,000). This change in estimate *decreased* the burden by *125 hours* (from 20,700 hours to 20,575 hours).

(12.) Under § 232.207, Class IA Brake Tests, FRA revised its estimate of the number of designation lists (from 25 to zero (0)) since railroads have already fulfilled this requirement for the first year and the one-time burden has already been accounted for. This change in estimate *decreased* the burden by *13 hours* (from 13 hours to zero (0) hours).

(13.) Under § 232.209, Class II Brake Tests - Intermediate Inspection, FRA revised its estimate of the number of communications (from 1,600,000 to 1,597,400). This change in estimate *decreased* the burden by *two (2) hours* (from 1,333 hours to 1,331 hours).

(14.) Under § 232.409, Inspection and Testing of End-of-Train Devices, FRA revised its estimate of the number of communications (from 450,000 to 447,500). This change in estimate *decreased* the burden by *21 hours* (from 3,750 hours to 3,729 hours).

(15.) Under § 232.505, Pre-Revenue Service Acceptance Testing Plan, FRA revised its estimate of the number of maintenance procedures developed (from one (1) to zero (0)) since railroads have already completed this requirement and the one-time burden has already been accounted for). This change in estimate *decreased* the burden by *160 hours* (from 160 hours to zero (0) hours).

These 15 adjustments then *decreased* the burden by *57,930 hours*. Overall, **adjustments** *decreased* the burden by *53,017 hours*.

There were also **program changes** as well. They are as follows:

(1.) There were new requirements included in the new subpart pertaining to electronically controlled pneumatic (ECP) brake systems contained in § 232.603, § 232.605, § 232.607, § 232.609, and § 232.611. These program changes *increased* the burden by 156,686 hours.

(2.) Under § 232.1, Scope, this provision no longer applies. This program change *decreased* the burden by *four (4) hours* (from four (4) hours to zero (0) hours).

(3.) Under § 232.213B, Extended Haul Trains, the provision that required railroads to keep a record of all defective, inoperative, or ineffective brakes as well as any conditions not in compliance with Parts 215 and 231 no longer applies as of April 2008. This program change *decreased* the burden by *8,400 hours* (from 8,400 hours to zero (0) hours).

Overall, **program changes** *increased* the burden by *148,282 hours*.

The total burden for the revised information collection amounts to 990,276 hours, while the last approved submission in the OMB inventory exhibited a total burden of 895,011 hours. Hence, there is an overall increase in burden of *95,265 hours*.

Also, there is an overall decrease in the annual cost to respondents of \$9,430,717. This decrease results from a mistakenly counting the costs provided in the answer to question number 12 for a second time in question number 13 of the last approved submission in OMB inventory. That inventory shows a cost to respondents of \$9,438,924 while the present submission exhibits a cost to respondents of \$8,207. Hence, there is a decrease of \$9,430,717 in costs to respondents.

16. FOR COLLECTIONS OF INFORMATION WHOSE RESULTS WILL BE PUBLISHED, OUTLINE PLANS FOR TABULATION, AND PUBLICATION. ADDRESS ANY COMPLEX ANALYTICAL TECHNIQUES THAT WILL BE USED. PROVIDE THE TIME SCHEDULE FOR THE ENTIRE PROJECT, INCLUDING BEGINNING AND ENDING DATES OF THE COLLECTION OF INFORMATION, COMPLETION OF REPORT, PUBLICATION DATES, AND OTHER ACTIONS.

There are no plans for publication regarding this information collection.

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 all five DOT strategic goals. First, it supports the Department's highest strategic goal, namely transportation safety. The new rule and its associated collection of information seek to reduce the number and severity of railroad accidents/incidents by ensuring that brake equipment used in freight operations throughout the United States are properly inspected, tested, and maintained. In particular, mandating written standard operating procedures will force railroads to analyze the safety impacts of the various ways to handle potentially dangerous situations. These written operating procedures requirements formalize what is already being practiced by many railroads. FRA believes that the forethought required to develop these procedures will preempt many mistakes that cause dangerous situations to occur. By reducing safety risks, there should be a corresponding reduction in the number of accidents/incidents, and severity of injuries to railroad employees and members of the general public.

Furthermore, training records will be used by railroads to demonstrate that the individuals responsible for train brake system inspection, maintenance, and tests meet the minimum qualification requirements enumerated in this new rule. FRA has access to these records, so it can independently assess whether the training provided to a specific individual adequately addresses the tasks for which the individual is deemed capable of performing. Knowing that FRA has access to these records and can review them at any time will serve to prevent potential abuses by railroads to use insufficiently trained individuals to perform necessary inspections, tests, and maintenance required by this rule. The training and qualification requirements provide the means by which FRA can judge the effectiveness and appropriateness of a railroad's training and qualification program. By using properly qualified and trained individuals, brake equipment should be in better and safer condition. The new rule also clarifies tagging requirements, contains provisions regarding the placement of defective equipment, and provides a consistent method for calculating the percentage of operative brakes on a train. The duties imposed on railroads when moving defective equipment are made clearer in this new rule. Consequently, FRA believes the prescribed requirements help to ensure the safe and proper movement of defective equipment.

This information collection also supports the DOT strategic goal of mobility. By ensuring rail brake equipment will be in better and safer condition, the overall safety of the rail system is enhanced, and flexibility of choice is maintained for shippers and manufacturers. Manufacturers and shippers then have another option, and can decide for themselves on the mode of transportation to move their goods which best meets their time and cost schedules. A safer rail system will be more accessible, more convenient, and also more efficient.

This information also supports the DOT strategic goal of economic growth and trade. As previously mentioned, a national rail system which has less accidents/incidents due to better maintained and safer freight cars is going to be a more efficient and more economically competitive option to move various products. Moving a greater number of

goods by rail – as a result of lower costs – is going to promote both economic growth as well as trade. Shipping a greater number of goods serves to increase the national gross domestic product. Destinations receiving these goods have included and doubtless will include points both in Canada and Mexico as well as throughout the U.S. Rail then is and will continue to be a critical component of an accessible and flexible transportation system. Rail has contributed notably to the recent unparalleled national prosperity. The new rule and corresponding information collection help ensure the continued free flow of goods by promoting and enhancing safe rail transportation.

This information collection also supports the Human and Natural Environment strategic goal in a very important way. By reducing the number and severity of railroad accidents/incidents and resulting property damage, communities and the natural environment affected will be protected. This is especially true in the case of train-tanker truck collisions and other accidents/incidents involving hazardous materials that are caused by defective brakes. Fewer accidents/incidents will translate into fewer pollutants, and other possible toxic substances being released into the natural environment. This serves to promote the sustainability and livability of communities throughout the country.

Finally, this information collection supports National Security. Freight cars which are secure would be a crucial component to move men, and material in the event of a national emergency. In a world filled with terrorism and instability, getting men and material to specific destinations safely and on schedule would undoubtedly greatly serve the national interest and indeed promote national security.

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.