

**SUPPORTING JUSTIFICATION
REPORT OF RAILROAD TRESPASSER DEATH
FORM FRA F6180.117
OMB No. 2130-0563**

Summary of Submission

- This information collection submission is a request for a reinstatement of a previously approved information collection granted by OMB back on January 26, 2005, and which expired on January 31, 2008. The previous study used a private contractor to obtain additional demographic data for the time period of 2003-2005 from local county medical examiners so as to develop a general, regional profile of “typical” trespassers in order to target audiences with appropriate education and enforcement campaigns that will reduce the annual number of injuries and fatalities. This proposed or updated study will cover six additional years of demographic data, and will be used to determine the validity of the earlier regional profile of “trespasser” or establish a new regional profile of “typical trespassers” based on the data collected.
- The total number of burden hours requested for this submission is **115 hours**.
- The total number of responses requested for this submission is **1,375**.
- **Program changes** amount to/increased the burden by **115 hours**.
- ****The answer to question number 12 itemizes the hourly burden associated with each requirement of this rule (See p. 6).**

1. Circumstances that make collection of the information necessary.

Trespasser deaths (approximately 500 annually) on railroad rights-of-way and other railroad property are the leading cause of fatalities attributable to railroad operations in the United States. The railroad environment inherently is a hazardous one. Railroad employees receive extensive training, know the current or pending operations, and strictly adhere to established safety practices in order to work safely in this environment. Trespassers—individuals on railroad rights-of-way and other railroad property without permission—do not have the benefit of such training and knowledge. Consequently, as long as these individuals continue to intrude on the property of railroads, they risk grave injury and loss of life.

In order to address this serious issue, interest groups, the railroad industry, and governments (Federal, State, and local) must know more about the individuals who trespass. With such knowledge, effective education programs, materials, and messages concerning the hazards and consequences of trespassing on railroad property can be developed and effectively disseminated. Also, law enforcement efforts can be targeted more efficiently and constructively. Since the overall goal is to reduce the number of deaths and injuries among trespassers, developing summaries and generic trespasser profiles from specific individuals

and incidents will provide essential information regarding the precise audience to be targeted with future education and enforcement efforts.

Data currently available from the Federal Railroad Administration (FRA), gathered monthly and annually from railroads, is limited only to a tabulation of the number of deaths and injuries and may include few, if any, demographic details. Two potential sources of more useful data exist: (1) the railroad police records of trespasser contacts and evictions, and (2) the State and local coroner/medical examiner (CME) death reports.

As noted in the summary above, the previously approved study used a private contractor to obtain additional demographic data for the time period of 2003-2005 from local county medical examiners so as to develop a general, regional profile of “typical” trespassers in order to target audiences with appropriate education and enforcement campaigns that will reduce the annual number of injuries and fatalities. This proposed or updated study will cover six additional years of demographic data, and will be used to determine the validity of the earlier regional profile of “trespasser” or establish a new regional profile of “typical trespassers” based on the data collected.

Background

Over the last several years, FRA’s Highway-Rail Grade Crossing Safety and Trespass Prevention Programs Division has been in discussion with representatives from Operation Lifesaver, Incorporated (OL), the Class I railroads, the shortline railroads, the Brotherhood of Locomotive Engineers (BLE), and others regarding the prevention of trespassing on railroad property through targeted education and enforcement campaigns.

The proposed collection of information involves a study, and addresses using FRA trespasser fatality statistical reports, and State and local CME reports of deaths, to obtain demographic data on individual trespassers to develop a general, regional profile of “typical” trespassers in order to devise appropriate regional education and enforcement efforts. Ostensibly, State and/or county CME receive and/or prepare and retain reports of deaths, particularly those considered to be from causes other than natural (e.g., accidents, such as an encounter with a train). Such reports include personal information regarding the deceased (e.g., home address, age, gender, ethnicity), as well as the date/time, type, and location of incident. In some States, such information is centralized. In other States, the information is retained in the counties.

Because of privacy concerns, access to such data has been limited to family members, police investigators, and those involved in relevant legal actions. In order to obtain access to such information, assurances are required that this data will be made public only in summary fashion, and will not be attributable to any specific incident or individual. FRA’s contractor for this study, North American Management, has committed itself to providing these assurances and will shield specific data from public scrutiny. North American Management will use the additional data provided by CME to compile generalized, statistical, summary reports. Only these summary reports will be released by North American Management to FRA. None of the raw data obtained by North American Management will be released.

Developing summaries and generic profiles from the information provided by CME of specific individuals and incidents into compiled national data will not only enable FRA, the railroads, representatives from OL and the BLE, and other interested parties to design necessary education and enforcement programs to precisely targeted audiences in all areas of the country, but will also serve to reduce the 500 trespasser fatalities and numerous injuries that occur each year on railroad property.

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

The overall goal of this proposed study is to prevent trespassing on railroad rights-of-way, thus reducing the number of deaths and injuries among trespassers. This proposed study is an update to the Trespassing Demographics Study released in 2004 (the entire report is located at http://www.fra.dot.gov/downloads/safety/tdreport_final.pdf) and consists of similar information gathered by North American Management. FRA wishes to mimic the 2004 study using data covering railroad trespassing deaths from 2005 to 2010. The proposed study will consist of developing summaries and generic demographic profiles describing the decedents in fatal trespass incidents, and will provide information regarding the at-risk audience to be targeted for additional outreach by FRA. For best results, a nationwide market analysis should begin with a database of at least 1,000 individuals. This study will consist of using industry standards and FRA methods that will consist of a mailed survey or other industry approved method to collect and analyze the data provided by chief medical examiners and coroners covering railroad trespassing deaths from 2005 to 2010. A final detailed report will be required to include statistical summaries describing, in general demographic terms, individuals who died while trespassing or as a result of trespassing on railroad property.

3. Extent of automated information collection.

For many years, FRA has strongly endorsed and highly encouraged the use of advanced information technology, wherever possible, to reduce burden on respondents. The proposed updated study provides that, where respondents have e-mail capability, they will be able to receive the forms and respond via email directly to the contractor (North American Management). The initial contact, however, will be by a mailed cover letter that includes a paper copy of the questionnaire/form to each survey participant. For those respondents who prefer to use information technology, the mailing will provide the option to receive the questionnaire/form electronically so that they may respond via e-mail to the contractor.

It should be noted that the burden for this information collection is already extremely minimal and so any burden reduction achieved through advance information technology would likely be small.

4. Efforts to identify duplication.

As noted in the response to Question 1, this updated study proposes to put together data from two different sources: (1) FRA's trespasser fatality reports, and (2) demographic data that is available only through the regional/local CME. To our knowledge, the information collected

is not duplicated anywhere.

Similar data is not available from any other source at this time.

5. Efforts to minimize the burden on small businesses.

The proposed collection of information does not impact small businesses because all of the data will be collected from State, regional, and/or local government CME offices.

In an effort to minimize the burden, the proposed study will cover six (6) years of data and another similar study is not expected for another six (6) years. Moreover, it should be noted again that the burden for this collection is already extremely minimal.

6. Impact of less frequent collection of information.

Currently, trespasser fatalities are the single most significant cause of deaths in the rail industry annually in the United States. If the proposed study and resulting collection of information were not undertaken, FRA's safety program relating to a safe rail operating environment and its joint efforts with railroads, known as Operation Lifesaver (OL), as well as the efforts of other interested parties efforts to promote and maintain a safe rail environment, would be considerably adversely impacted. Specifically, without this collection of information, FRA would not be able to update its previous study conducted in 2004. Thus, it would not have any recent demographic data on trespassers since 2004, and would be unable to target region-specific education and law enforcement efforts aimed at those individuals or groups of individuals who are trespassing or who are most likely to trespass on railroad property. The proposed updated study seeks to develop a profile of trespassers and to use this profile to make recommendations concerning the development of public information campaigns, enforcement efforts, and other outreach programs, focused on those individuals, groups, and neighborhoods most at risk, to reduce the incidence of trespassing on railroad property. Without this collection of information, the high annual toll of 500 trespassing fatalities and numerous grave bodily injuries would continue unabated and conceivably could increase.

Also, without this collection of information, rail operations throughout the United States will continue to be impacted adversely by trespasser incidents. The impacts are both immediate and longer lasting. The immediate impact is delay, i.e., every time there is a trespasser incident resulting in a serious injury or fatality there are significant delays on that track or that segment of track. The necessary smooth flow of rail traffic (involving the movement of goods and people) is impeded and sometimes stopped altogether as train crews, police, and emergency response personnel attend to the scene and file required reports. The more long-lasting impact is on the health and well-being of locomotive engineers who oftentimes suffer post-traumatic stress disorder (PTSD) after such trespasser events (fatalities). This affects their ability to work both in the short and in the long term, and thus affects the daily operations of the railroads. Locomotive engineers affected by PTSD can be out of work for days or even months, and sometimes do not go back to work at all. As a result, their livelihoods can also be negatively impacted. By collecting the proposed information and

developing a targeted education and enforcement campaign, FRA and its partners aim to save lives, reduce/mitigate the severity of trespasser injuries, and reduce the disruption to rail operations and concomitant economic impacts that occur with each trespasser incident.

In sum, this collection of information serves to further FRA's primary mission, which is to promote rail safety, save lives, and reduce injuries and property damage.

7. Special circumstances.

All information collection requirements pertaining to this proposed study are in compliance with this section.

8. Compliance with 5 CFR 1320.8.

As required by the Paperwork Reduction Act of 1995, FRA published a notice in the Federal Register on November 17, 2011, soliciting comment on the proposed data collection. (See 76 FR 7433.) FRA received no comments in response to this notice.

Background

FRA's Highway-Rail Grade Crossing Safety and Trespass Prevention Program Division has been in discussions over the last several years with representatives from OL, the Class I railroads, Short Line railroads, the Brotherhood of Locomotive Engineers and Trainmen (BLET), and other parties regarding the prevention of trespassing on railroad property through targeted education and enforcement campaigns.

This proposed study will be an update to Trespassing Demographics Study released in 2004 (the entire report is located at http://www.fra.dot.gov/downloads/safety/tdreport_final.pdf), and will consist of similar information gathered by North American Management. FRA wishes to replicate the 2004 study using data covering railroad trespassing deaths from 2005 to 2010. The proposed study will consist of developing summaries and generic demographic profiles describing the decedents in fatal trespass incidents, and will provide information regarding the at-risk audience to be targeted for additional outreach by FRA and its partners.

9. Payments or gifts to respondents.

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

10. Assurance of confidentiality.

FRA fully complies with all laws pertaining to confidentiality, including the Privacy Act of 1974 and the Confidential Information Protection and Statistical Efficiency Act of 2002. Thus, information obtained or acquired by FRA's contractor, North American Management, from CMEs will be used exclusively for statistical purposes or, in this case, to compile demographic data to describe generically trespassers in various geographic regions of the

United States. None of the information obtained that might be identifying will be disseminated or disclosed in any way.

In conjunction with the proposed information collection, a cover letter signed by the FRA Administrator will be sent to the Nation’s CMEs explaining the rationale for the study, its importance for public safety on and around railroad property, the potential for preventing rail trespass incidents and fatalities, and the desirability of respondents to participate. The cover letter will explain to the CMEs that FRA has contracted with North American Management to gather the data, using already available information from FRA trespasser fatality reports that will be combined with information now being requested from their records. The Administrator’s cover letter will note that, after gathering and processing the data, North American Management will release to FRA only generalized, statistical, summary reports.

A second letter from North American Management will affirm that it will release only these summary reports to FRA and that North American Management will not release any of the raw data provided to FRA. No micro-level data will be released to the public; only tabular data will be publicly available. Any tabular data will be aggregated in a manner that prevents identification of a specific individual. Once the contract period has ended, the contractor will destroy all information gathered in its raw form.

11. Justification for any questions of a sensitive nature.

The proposed survey will ask for information pertaining only to demographics. The list of survey questions includes items such as age, gender, ethnicity, language group, manner of death or injury, and address for the purpose of developing general descriptions of trespassers in specific geographic locations in order to develop targeted education efforts and enforcement activities to reduce trespassing on railroad property and the casualties that result when this occurs. Thus, there are no questions or information of a sensitive nature, or data that would normally be considered private contained in this proposed information collection.

12. Estimate of burden hours for information collected.

Form	Respondent	Total annual responses	Time per Response	Total Burden in Hours	Cost*
FRA F6180.117 Report on Railroad Trespasser Death	100	1,375	5 min	115	\$4,226.25

*Note: If the burden were calculated in terms of dollars rather than hours, the equivalent annual cost for the estimated 115 hours would be \$4,226.25 (based on an average hourly rate of \$36.75, includes 75 percent overhead added in to the average annual hourly salary). Data will be collected only once for a six (6) year period pertaining to trespasser deaths. FRA expects the study to be completed in 24 months or less. Participants will complete a brief data form for each trespasser fatality in their jurisdiction. Each form should take approximately five (5) minutes or less to complete, included the time necessary to locate the appropriate file(s).

13. Estimate of total annual costs to respondents.

There will be no additional costs to survey respondents. They will be provided with a postage-paid envelope for returning the data collection instruments. (Note: There are also no additional costs for those participants who are equipped with and prefer advanced information technology, since they can use their office computers to respond electronically to the contractor via e-mail.)

14. Estimate of Cost to Federal Government.

The total cost of the study contract to the Federal Government comes to **\$70,755.55**. However, since the study is expected to be completed in 24 months or less, the **annual cost** to the Federal Government amounts to **\$35,377.78**. The cost of the contract breaks down as follows:

LABOR CATEGORY	Hourly Rates	Hours	Total
Project Director	\$138.96	26	\$3,612.87
Principal Lead Researcher/Lead Principal Researcher	\$134.57	204	\$27,451.95
Principal Business Consultant/Researcher	\$102.39	358	\$36,655.98
Associate Business Consultant/Research Analyst	\$57.61	44	\$2,534.75
TRAVEL (NTE)			
MISCELLANEOUS (Postage, etc.)			\$550.00
GRAND TOTAL			\$70,755.55

There are no additional costs to the Federal Government at this time.

15. Explanation of program changes and adjustments.

The information collection requirements associated with the proposed study are a follow-up to the ones approved in 2005 in the earlier study. FRA is seeking **reinstatement** of the previous OMB approval and will use this collection of information to determine the validity of the earlier regional profile of “typical” trespassers or establish a new regional profile of “typical” trespassers. The proposed collection of information will cover six additional years of demographic data (2005-2010). The entire annual information collection burden of 115 hours is a **program change**. There are no **adjustments**.

There are no additional costs to respondents besides the requested burden hours.

16. Publication of results of data collection.

There are no plans for publication at this time. The contractor will be the sole user of the data gathered for the purpose of producing general, statistical, summary reports, which will be submitted to FRA. Although no raw data will be provided by the contractor to this agency, FRA does intend to place the contractor's final report on its Web site so that the railroad community, other interested parties, and the general public will have access to the findings. FRA and its partners will use the reports as tools to develop targeted education and enforcement programs for the purpose of reducing trespasser incidents, injuries, and fatalities on or near railroad property.

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

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

18. Exception to certification statement.

No exceptions are taken at this time.

Department of Transportation (DOT) Strategic Goals

This information collection supports the main DOT strategic goal, namely transportation

safety. Presently, trespasser fatalities are the single most significant cause of deaths in the rail industry annually in the United States. The overall goal of this study is to prevent trespassing on railroad rights-of-way, thus reducing the number of deaths and injuries among trespassers. The proposed study will be an update to the Trespassing Demographics Study released in 2004. FRA wishes to replicate the 2004 study using data covering railroad trespassing deaths from 2005 to 2010. The study will consist of developing summaries and generic demographic profiles describing the decedents in fatal trespass incident, and will provide information regarding the at-risk audience to be targeted for additional outreach by FRA.

If this information were not collected, FRA's national program relating to a safe rail operating environment and its joint efforts with railroads, Operation Lifesaver, and other interested parties to promote and maintain a safe rail environment would be considerably adversely impacted. Specifically, without this collection of information, FRA would be unable to develop any concrete recent information concerning individuals who are trespassing on railroad property every day throughout the United States in the past six years. Thus, it would still not have any demographic data on trespassers from calendar years 2005 to 2010, and would be unable to target region-specific education efforts and law enforcement activities aimed at those individuals or groups of individuals who are trespassing or who are most likely to trespass on railroad property. FRA and its partners, through such education and enforcement programs, seek to reduce the annual toll of 500 trespassing fatalities and numerous grave bodily injuries that occur each year on railroad property.

In summary, this collection of information supports both DOT's primary strategic goal and FRA's primary mission—namely safe transportation and the reduction of the number of injuries, fatalities, and property damage, which ensue from transportation/rail-related incidents each year.

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