

SUPPORTING JUSTIFICATION
Safety Appliance Concern Recommendation Report;
Safety Appliance Guidance Checklist Forms (FRA
Forms 6180.4(a)-(q)); OMB No. 2130-0565

Summary of Submission

- This submission is a revision to the previous approval granted by OMB on June 9, 2011, which expires on June 30, 2014.
- The earlier approved submission is being revised to reflect the estimated burden for new Form **FRA F 6180.4EZ**, for which FRA is now seeking OMB approval.
- The total number of burden hours requested for this submission is **244 hours**.
- The total number of burden hours previously approved was **162 hours**.
- One proposed **program change** will increase the burden by **82 hours**.
- Total number of responses is **232**.
- ******The answer to question **number 12** itemizes the hourly burden associated with each requirement of this rule (See pp. 6-11)
- ******Note:** New form FRA F 6180.EZ is in PDF fillable format, and will be sent to all FRA Customers/State Inspectors in this format upon approval by OMB.

1. Circumstances that make collection of the information necessary.

Background

FRA Federal and State inspectors monitor the safety of railroads in the United States, including freight, passenger, and commuter rail operations. The American railroad industry is a large and complex one. To accommodate this magnitude and complexity, FRA employs inspectors in five separate disciplines of expertise (Hazardous Materials, Motive Power & Equipment, Operating Practices, Signal & Train Control, and Track) throughout its eight regions nationwide. These inspector resources are very limited, and are supplemented by inspectors employed by states that choose to participate in FRA's inspection program. Currently, there are approximately 130 Federal and State inspectors who handle Motive, Power, and Equipment (MP&E) safety issues and who inspect newly built freight cars. FRA estimates that it is able to monitor less than two-tenths of one percent of the safety-sensitive activity that occurs in the railroad industry (even with the additional state inspector resources).

There are approximately 10 freight car manufacturers, plus another five railroads/one-time contractors/sub-contractors that engage in freight car construction. Each year, there are approximately 30 to 50 different types of freight cars built by these manufacturers. Each type of car must be inspected for compliance with Federal safety regulations (49 CFR Part 231). The larger freight car builders and railroads normally request sample car inspections by FRA to determine that these new cars are in compliance with Federal requirements. After carefully reviewing its field inspectors' work, FRA recently has found that newly constructed freight cars are not meeting these safety appliance standards. FRA discovered that the various types of cars being built by rail equipment manufacturers, railroads, and other contractors/sub-contractors had defects and deficiencies. Moreover, these defects and deficiencies were missed primarily due to inconsistent inspections and misinterpretation of Federal safety regulations by MP&E inspectors. FRA realized that, unless these defects and deficiencies could be eliminated in a systematic way, there would be great risk for increased accidents/incidents in the everyday rail environment, as well as a corresponding increase in casualties (severe injuries and perhaps fatalities) to railroad employees and property damage.

In an ongoing effort to conduct more thorough and more effective inspections of newly built railroad freight equipment (cars) and to further enhance safe rail operations, FRA has developed a safety concern recommendation report form, and a group of safety appliance standards guidance checklist forms that serve to facilitate railroad, rail car owner, and rail equipment manufacturer compliance with agency railroad safety appliance standards regulations. In one of its Sample Car Training Program classes, FRA provided drafts of these new forms to approximately 18 inspectors. FRA found these forms filled a great need, and served to cut down on the very common problem of misinterpretation of Part 231 regulations. The Association of American Railroads (AAR), the Railway Products Institute (RPI), and the American Railway Car Builders Institute (ARCI) have repeatedly encouraged FRA to enhance and accelerate the courtesy sample car inspections provided by the agency.

In sum, FRA has introduced and now utilized these new forms nationwide so that FRA and State Motive, Power, and Equipment (MP&E) inspectors have an immediate, visual method to ensure that different types of newly constructed freight cars conform/are compliant with all requirements of the relevant section of Part 231.

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

The information collected is used by Federal (FRA) and State Motive, Power, and Equipment inspectors (MP&E) to conduct more thorough and more effective sample car inspections of the various types of new rail freight cars constructed at manufacturing facilities. New form FRA F 6180.EZ will be used to reduce burden on respondents. The FRA F 6180.EZ Form provides specific blocks that contain a standardized format to provide specific information that is in an easy to fill-in the form arrangement. This will greatly reduce the amount of time to complete the form instead of a long form letter and

additional sample car inspection request of similar car orders will be minimized by the information provided previously. By having a form of this nature, the customer will have the information visually that would be required, to eliminate the potential of missing information that then causes additional letters to complete the incoming package. FRA will potentially be able to provide a cursory review of the provided information to ensure the package is complete without having to constantly compare the request letter to the supplied documents.

Also, the Safety Appliance forms are used to transmit vital information to freight car builders, owners, and railroads when exceptions are taken or to provide clarity to these organizations that certain freight equipment meets or does not meet the requirements spelled out in Part 231.

In particular, Form FRA F 6180.4a is used by State inspectors to identify systemic railroad concerns regarding safety equipment and fleet design deficiencies. It allows FRA and State field inspectors to gain compliance with the safety requirements of Part 231 without taking equipment (freight cars) out of service and thereby disrupting rail operations. Forms FRA F 6180.4(b)-(m) are used in conjunction with Form FRA F 6180.4, Special Inspection of Safety Appliance Equipment. They are used as guidance checklists to determine – in an efficient and thorough way – whether newly built sample cars meet the requirements of Part 231. These forms assist FRA and State MP&E field inspectors to ensure that each required part of the Safety Appliance Standards (contained in Part 231) is followed by identification, measurements, and photographs. Specifically, Form FRA F 6180.4(b) is used to ensure that box and other house cars, built or placed in service before October 1, 1966, conform to the requirements of § 231.1. Form FRA F 6180.4(c) is used to ensure that hopper cars and high-side gondola cars with fixed ends conform to the requirements of § 231.2. Form FRA F 6180.4(d) is used to ensure that drop-end high-side gondola cars conform to the requirements of § 231.3. Form FRA F 6180.4(e) is used to ensure that fixed-end low-side gondola cars and low-side hopper cars conform to the requirements of § 231.4. Form FRA F 6180.4(f) is used to ensure that drop-end low-side gondola cars conform to the requirements of § 231.5. FRA F 6180.4(g) is used to ensure that flat cars conform to the requirements of § 231.6. FRA F 6180.4(h) is used to ensure that tank cars with side platforms conform to the requirements of § 231.7. FRA F 6180.4(i) is used to ensure that tank cars without side sills and tank cars with short side sills and end platforms conform to the requirements of § 231.8. FRA F 6180.4(j) is used to ensure that tank cars without end sills conform to the requirements of § 231.9. FRA F 6180.4(k) is used to ensure that tank cars without under frames conform to the requirements of § 231.21. FRA F 6180.4(l) is used to ensure that box and other house cars without roof hatches, built or placed in service after October 1, 1966, conform to the requirements of § 231.27. FRA F 6180.4(m) is used to ensure that box cars and other house cars with roof hatches, built or placed in service after October 1, 1966, conform to the requirements of § 231.28.

New forms FRA F 6180.4(n)-(q) are also used in conjunction with Form FRA F 6180.4, Special Inspection of Safety Appliance Equipment. Form FRA F 6180.4n is used to ensure that passenger-train cars with open-end platforms conform to the requirements of § 231.13. Form FRA F 6180.4o is used to ensure that passenger-train cars without open-end platforms conform to the requirements of § 231.14. Form FRA F 6180.4p is used to ensure that road locomotives with corner stairways built after October 1, 1979, conform to the requirements of § 231.29. Form FRA F 6180.4q is used to ensure that locomotives used in switching service built after March 31, 1977, conform to the requirements of § 231.30.

In sum, FRA believes the use of these carefully developed forms contributes to improved construction of newly designed freight cars and improved field inspections of all freight cars currently in use by reducing, if not eliminating, the common problem of inconsistent inspections due to the misinterpretation of the Part 213 regulations by FRA and State field MP& E safety inspectors.

3. Extent of automated information collection.

FRA highly encourages and strongly endorses the use of advanced information technology, and electronic record keeping, wherever possible, to reduce burden on respondents. In keeping with the requirements of the Paperwork Reduction Act (PRA) and the Government Paperwork Elimination Act (GPEA), FRA has placed all the Safety Appliance Forms on its Website for the convenience of users. Additionally, FRA has made all the current Checklist forms PDF fillable, and new Form FRA F 6180.4EZ is in PDF fillable format. It will be sent to all Federal/State Inspectors in PDF fillable format so that the form can readily be filled-out electronically and electronically transmitted to the agency once FRA receives OMB approval. Approximately 14 percent of the Safety Appliance forms are now completed electronically. [*Note: The burden for this collection of information is already extremely minimal at an estimated 244 hours.*]

4. Efforts to identify duplication.

The information collection requirements to our knowledge are not duplicated anywhere. Similar data are not available from any other source at this time.

5. Efforts to minimize the burden on small businesses.

The collection of information will have an extremely minimal or no effect on small businesses/other small entities. As mentioned earlier, there are approximately 10 freight car manufacturers and an additional five railroads/one-time contractors/sub-contractors that engage in freight car construction. The total number of entities involved in the manufacture or re-manufacture (of the approximately 30 to 50 different types of freight cars) is a small one (15). Most of this limited number of manufacturers and other entities (railroads) are large size business concerns. The Safety Appliance Recommendation

Report and Guidance Checklist Forms are used by FRA and State MP&E safety inspectors to conduct more efficient, consistent, and effective sample car inspections, as well as more efficient, consistent, and effective inspections of freight cars currently in use. Also, these forms are used to transmit vital information to freight car builders, owners, and railroads when exceptions are taken or to provide clarity to these organizations that the equipment meets or does not meet the requirements spelled out in Part 231.

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

6. Impact of less frequent collection of information.

If this information were not conducted or conducted less frequently, FRA's national rail safety program would be adversely impacted. Specifically, without this collection of information, FRA would have no means to ensure that FRA and State MP&E safety inspectors thoroughly and consistently inspect various types of newly built and re-manufactured freight cars (sample cars) to determine that they fully conform to the specific requirements of the appropriate section of 49 CFR Part 231 (*Railroad Safety Appliance Standards*) before they are placed in service. Without these forms, it is highly probable that FRA and State MP&E inspectors would continue to miss defects and deficiencies in newly constructed and retrofit re-manufactured freight cars because there is no other systematic and methodical way to check that each item on that type of car fully conforms to the appropriate section of the Appliance Standards regulation. Without this collection of information then, there is likely to be a greater risk that freight cars with defects and deficiencies are put into service by the nation's railroads. This could lead to greater numbers of accidents/incidents (e.g., derailments, collisions, mechanical breakdowns) that could cause increased casualties (severe injuries and fatalities) to American railroad workers.

In sum, this collection of information supports FRA's primary mission to promote and enhance national rail safety. FRA believes that performing the required freight car inspections more effectively, more accurately, more consistently, and more efficiently contributes to achieving this goal.

7. Special circumstances.

There are no known special circumstances as related to the seven of the bulleted items. Sample car inspection information is traditionally held at FRA for a period of five years before moving to a storage location. With the advent and increased usage of electronic record keeping, FRA is currently considering reducing this storage time to three years.

All other information collection requirements then are in compliance with this section.

8. Compliance with 5 CFR 1320.8.

As required by the Paperwork Reduction Act of 1995 and 5 CFR 1320, FRA published a notice in the Federal Register on June 12, 2012, soliciting comment on these information collection requirements from the public, railroads, and other interested parties. See 77 FR 35106. FRA received no comments in response to this notice.

Background

As previously stated, FRA met with agency and State inspectors to develop and test these new forms. In one of its Sample Car Training Program classes, FRA found that the new forms proved extremely helpful and filled an important need for the inspectors because it provided a visual, tangible means by which they could methodically do their jobs in an efficient, consistent, and effective way. Also, the Association of American Railroads (AAR), the Railway Products Institute (RPI), and the American Railway Car Builders Institute (ARCI) have repeatedly encouraged FRA to enhance and accelerate the courtesy sample car inspections provided by the agency.

It should be noted that the Association of American Railroads (AAR) was provided a draft of all the new forms through the Equipment Engineering Committee's Safety Appliance Task Force to review these documents for format, content, and error. FRA welcomed their comments and suggestion regarding these important forms, and made changes, where appropriate.

9. Payments or gifts to respondents.

There are no monetary payments provided or gifts made to respondents associated with the information collection requirements associated with these forms.

10. Assurance of confidentiality.

No assurances of confidentiality are necessary or are made by the Federal Railroad Administration (FRA). The information collected is not of a private nature.

11. Justification for any questions of a sensitive nature.

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

12. Estimate of burden hours for information collected.

Respondent universe for all Rail Safety Equipment Checklist Forms, including new Form FRA F 6180.EZ, is mainly FRA Customers (i.e., Equipment Car Builders/Owners/Railroads). FRA expects that State inspectors will use these forms sometime in the

future. Federal Inspectors use all the Safety Appliance Checklist Forms; however, under the Paperwork Reduction Act (PRA) of 1995, there is no burden associated with their use of these regular duty forms and the total burden requested accounts for FRA Customers/State Inspectors only. As noted above in the Summary of this Submission, Forms FRA F 6180.4n and FRA F6180.4o have become obsolete for the reason stated.

The burden hours and burden costs for the Motive, Power, and Equipment (MP&E) Safety Appliance Concern Recommendation Report, and each of the Safety Appliance Standards Guidance Checklist Forms are calculated as follows:

New Form FRA F 6180.4EZ – Safety Sample Car Inspection Report

Respondent Universe:

FRA
Custo
mers/
State
Inspect
ors

Burden time per response:

70
minutes

Frequency of Response:

Annually

Annual number of Responses: 70 forms

Annual Burden: 82 hours

Calculation: 70 forms x 70 min. = 82 hours

Form FRA 6180.4a - MPE Safety Concern and Recommendation Report

Respondent Universe:

FRA
Custo
mers/
State

		Inspect ors
Burden time per response:		60 minutes
Frequency of Response:		Annually
Annual number of Responses:	20 forms	
Annual Burden:		20 hours
<u>Calculation:</u> 20 forms x 60 min. = 20 hours		

Form FRA 6180.4b - Safety Appliance Guidance Checklist Forms (Section 231.1)

Respondent Universe:

		FRA Custo mers/ State Inspect ors
Burden time per response:		60 minutes
Frequency of Response:		Annually
Annual number of Responses:	30 forms	
Annual Burden:		30 hours
<u>Calculation:</u> 30 forms x 60 min. = 30 hours		

Form FRA 6180.4c - Safety Appliance Guidance Checklist Forms (Section 231.2)

Respondent Universe:

FRA
Custo
mers/
State
Inspect
ors

Burden time per response: 60
minutes

Frequency of Response: Annually

Annual number of Responses: 20 forms
Annual Burden: 20 hours

Calculation: 20 forms x 60 min. = 20 hours

Form FRA 6180.4d - Safety Appliance Guidance Checklist Forms (Section 231.3)

Respondent Universe:

FRA
Custo
mers/
State
Inspect
ors

Burden time per response: 60
minutes

Frequency of Response: Annually

Annual number of Responses: 3 forms
Annual Burden: 3 hours

Calculation: 3 forms x 60 min. = 3 hours

Form FRA 6180.4e - Safety Appliance Guidance Checklist Forms (Section 231.4)

Respondent Universe:

FRA
Custo
mers/
State
Inspect
ors

Burden time per response:

60
minutes

Frequency of Response:

Annually

Annual number of Responses: 15 forms

Annual Burden: 15 hours

Calculation: 15 forms x 60 min. = 15 hours

Form FRA 6180.4f - Safety Appliance Guidance Checklist Forms (Section 231.5)

Respondent Universe:

FRA
Custo
mers/
State
Inspect
ors

Burden time per response:

60
minutes

Frequency of Response:

Annually

Annual number of Responses: 3 forms
Annual Burden: 3 hours

Calculation: 3 forms x 60 min. = 3 hours

Form FRA 6180.4g - Safety Appliance Guidance Checklist Forms (Section 231.6)

Respondent Universe:

FRA
Custo
mers/
State
Inspect
ors

Burden time per response: 60
minutes

Frequency of Response: Annually

Annual number of Responses: 30 forms
Annual Burden: 30 hours

Calculation: 30 forms x 60 min. = 30 hours

Form FRA 6180.4h - Safety Appliance Guidance Checklist Forms (Section 231.7)

Respondent Universe:

FRA
Custo
mers/
State
Inspect
ors

Burden time per response: 60
minutes

Frequency of Response: Annually

Annual number of Responses: 3 forms

Annual Burden: 3 hours

Calculation: 3 forms x 60 min. = 3 hours

Form FRA 6180.4i - Safety Appliance Guidance Checklist Forms (Section 231.8)

Respondent Universe:

FRA
Custo
mers/
State
Inspect
ors

Burden time per response: 60
minutes

Frequency of Response: Annually

Annual number of Responses: 3 forms

Annual Burden: 3 hours

Calculation: 3 forms x 60 min. = 3 hours

Form FRA 6180.4j - Safety Appliance Guidance Checklist Forms (Section 231.9)

Respondent Universe:

FRA
Custo
mers/
State
Inspect
ors

Burden time per response: 60 minutes

Frequency of Response: Annually

Annual number of Responses: 3 forms
Annual Burden: 3 hours

Calculation: 3 forms x 60 min. = 3 hours

Form FRA 6180.4k - Safety Appliance Guidance Checklist Forms (Section 231.21)

Respondent Universe:

FRA
Custo
mers/
State
Inspect
ors

Burden time per response: 60 minutes

Frequency of Response: Annually

Annual number of Responses: 10 forms
Annual Burden: 10 hours

Calculation: 10 forms x 60 min. = 10 hours

Form FRA 6180.4l - Safety Appliance Guidance Checklist Forms (Section 231.27)

Respondent Universe:

FRA
Custo
mers/
State
Inspect
ors

Burden time per response: 60
minutes

Frequency of Response: Annually

Annual number of Responses: 5 forms
Annual Burden: 5 hours

Calculation: 5 forms x 60 min. = 5 hours

Form FRA 6180.4m - Safety Appliance Guidance Checklist Forms (Section 231.28)

Respondent Universe:

FRA
Custo
mers/
State
Inspect
ors

Burden time per response: 60
minutes

Frequency of Response: Annually

Annual number of Responses: 7 forms
Annual Burden: 7 hours

Calculation: 7 forms x 60 min. = 7 hours

Form FRA 6180.4n - Safety Appliance Guidance Checklist Forms (Section 231.13)

This form was used for a short time after it was developed, and is now no longer being by FRA/State inspectors as it was made obsolete by development of an APTA Passenger Car Rulemaking and checklist forms granted special approval by FRA. Only FRA inspectors use the APTA checklist forms during their routine inspection duties. Consequently, there is no burden associated with this form.

Form FRA 6180.4o - Safety Appliance Guidance Checklist Forms (Section 231.14)

This form was used for a short time after it was developed, and is now no longer being by FRA/State inspectors as it was made obsolete by development of an APTA Passenger Car Rulemaking and checklist forms which only FRA inspectors use during their routine inspection duties. Consequently, there is no burden associated with this form.

Form FRA 6180.4p - Safety Appliance Guidance Checklist Forms (Section 231.29)

Respondent Universe:

FRA
Custo
mers/
State
Inspect
ors

Burden time per response:

60
minutes

Frequency of Response:

Annually

Annual number of Responses: 5 forms

Annual Burden: 5 hours

Calculation: 5 forms x 60 min. = 5 hours

Form FRA 6180.4q - Safety Appliance Guidance Checklist Forms (Section 231.30)

Respondent Universe:

FRA
Customers/
State
Inspect
ors

Burden time per response: 60
minutes

Frequency of Response: Annually

Annual number of Responses: 5 forms
Annual Burden: 5 hours

Calculation: 5 forms x 60 min. = 5 hours

The total burden for this entire information collection is 244 hours.

13. Estimate of total annual costs to respondents.

There are no additional costs to respondents other than those identified in Item12 above.

14. Estimate of Cost to Federal Government.

The total cost to the Federal government amounts to **\$129,758** (one full-time GS-14-8 employee who manages the Sample Car program and receives/reviews all Safety Appliance Guidance Checklist forms; 2,080 hours @ approximately \$62.38 per hour).

15. Explanation of program changes and adjustments.

The total burden for this revised information collection submission has increased by **82 hours**. The increase in burden is due solely to **one program change** that reflects the added estimated burden for new Form FRA F 6180.4EZ.

The current total burden for this information collection shows *162 hours*, while the total burden for this revised submission amounts to *244 hours*. Hence, there is a increase of *82 hours*.

There is no change in burden cost to respondents from the last approved submission.

16. Publication of results of data collection.

There are no plans for publication of this submission. The data will be used to conduct more thorough, more consistent, more efficient, and more effective inspections of rail freight equipment by FRA and State Safety inspectors.

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

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

18. Exception to certification statement.

No exceptions are taken at this time.

Department of Transportation (DOT) Strategic Goals

This information collection supports the main DOT strategic goal, namely transportation safety. Specifically, without this collection of information, FRA would have no means to ensure that FRA and State MP&E safety inspectors thoroughly and consistently inspect various types of newly built and retrofit re-manufactured freight cars (sample cars) to determine that they fully conform to the specific requirements of the appropriate section of 49 CFR Part 231 (*Railroad Safety Appliance Standards*) before they are placed in service. Without these new and previously approved forms, it is highly probable that FRA and State MP&E inspectors will continue to miss defects and deficiencies in newly constructed and retrofit re-manufactured freight cars because they do not have a systematic and methodical way to check that each item on that type of car fully conformed to the appropriate section of the Safety Appliance Standards regulation. Without this collection of information then, there is likely to be a greater risk that freight cars with defects and deficiencies are put into service by the nation's railroads. This could lead to greater numbers of accidents/incidents (e.g., derailments, collisions, mechanical breakdowns) that could cause increased casualties (severe injuries and fatalities) to American railroad personnel and the traveling public.

In sum, the collection of information supports both DOT's and FRA's main mission, which is to promote and enhance safe transportation throughout the United States, by serving to support more thorough, more accurate, more consistent, and more efficient rail freight safety car inspections.

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.

