

**SUPPORTING JUSTIFICATION FOR
CERTIFICATION OF GLAZING MATERIAL
OMB No. 2130-0525**

Summary

- This submission is a request for an extension without change of the last approval granted by OMB on **March 23, 2010**, and which expires **March 31, 2013**.
- FRA published the required 60-day **Federal Register** Notice on November 15, 2012. See 77 FR 68204.
- The total burden previously approved for this information collection amounted to **119 hours**.
- The total burden requested for this information collection submission is **119 hours**.
- Thus, there is no change in burden, and there are no program changes or adjustments.
- Total number of responses previously approved for this information collection amounted to **25,211**.
- Total number of **responses** requested for this submission is **25,211**.
- ****The answer to question number 12** itemizes the hourly burden associated with each requirement of this rule (See pp. 5-7).

1. Circumstances that make collection of the information necessary.

Background

On October 16, 1970, Congress enacted Public Law 96-458, the Federal Railroad Safety Act of 1970. This Act gave the Secretary of Transportation the authority to prescribe as necessary appropriate rules, regulations, orders, and standards for all areas of railroad safety. Under the authority of this Act, FRA established the Safety Glazing Standards (49 CFR Part 223) for locomotives, passenger cars, and cabooses. These standards establish minimum requirements for glazing materials to protect individuals from personal injury as a result of objects striking the windows of locomotives, passenger cars, and cabooses. Specifically, Appendix A of Part 223 establishes requirements for the certification and permanent marking of glazing materials by the manufacturer along with the responsibility of the manufacturer to make available test verification data to railroads and FRA upon request.

These standards were also issued in response to a joint petition from the Association of American Railroads (AAR) and the Railway Labor Executives Association (RLEA).

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

This information is not maintained for the purpose of information collection per se. The certification, marking, and supporting testing data assures railroads and FRA that the particular type of glazing material has been tested and verified for use as either FRA Type I or Type II glazing. If this information were not required, there would be no assurance that the glazing material would meet the minimum safety requirements established under 49 CFR 223. Also, in the event of an accident or incident where glazed train windows did not meet Federal standards or proved defective, FRA would be able to identify the manufacturer of the material as well as the type or brand of material. FRA could then ensure that the railroad industry was fully aware of any problems/deficiencies regarding a particular manufacturer or type of material.

3. Extent of automated information collection.

The amount and type of information required does not require elaborate information processing.

The majority of glazing manufacturers required to provide this information are already utilizing modern information technology, including word processors and associated automated data storage/retrieval methods which minimize the burden of providing this information when requested. In addition, the manufacturers have apparently developed an efficient, practical, and cost effective method of marking the glazing as required.

It should be noted as well that the burden for this information collection is extremely minimal (119 hours).

4. Efforts to identify duplication.

The source of this information is unique for each separate manufacturer and, therefore, there is no known duplication of this material. Further, FRA is the sole Federal agency requiring glazing certification for locomotives, rail passenger cars, and cabooses.

There is no other information available. This information is particular to each manufacturer of glazing material, and only they can provide it when requested.

5. Efforts to minimize the burden on small businesses.

The collection of this information does not involve small businesses or other small entities. Again, it should be noted that the burden is already extremely minimal (119 hours).

6. Impact of less frequent collection of information.

If this information collection were not conducted, rail safety throughout the U.S. might be significantly hindered. Specifically, if this information collection were not conducted, neither FRA nor the railroads could be assured that units of glazing material installed on freight cars, passenger cars, and cabooses met Federal safety standards. If such glazing material did not meet Federal standards and were installed on passenger or freight trains, the safety of train crews and the traveling public might be seriously jeopardized. In particular, train crews and passengers might suffer greater injuries – possibly even fatalities – in cases where projectiles hit trains traveling at a high rate of speed and the glazing material of these windows could not withstand the impact or in the event of an accident/incident where substandard glass shattered.

Also, the collection of information ensures that FRA and railroads can identify the manufacturer and type of various glazed materials. In the event of the discovery of defective or substandard glazed material, FRA could ensure that the entire railroad community was fully informed of any problems/deficiencies regarding a particular manufacturer or type of material, and that appropriate action is taken, such as finding another manufacturer or different type of glazed material, so as to protect both train crews and the traveling public.

7. Special circumstances.

All information collection requirements are in compliance with this section.

8. Compliance with 5 CFR 1320.8.

As required by the Paperwork Reduction Act of 1995, FRA published a notice in the Federal Register on November 15, 2012, soliciting comment on this particular information collection. *77FR 68204*. FRA received one comment in response to this notice.

On January 9, 2013, the Association of American Railroads (AAR) submitted a comment on behalf of itself and its member railroads. AAR stated its opposition to the proposed renewal of OMB's approval of FRA's requirement that rolling stock with glazing materials be stenciled and noted that 49 CFR 223.17 and 49 CFR 223, Appendix A, set forth FRA's glazing requirements. Section 223.17 requires the stenciling of the walls of rolling stock as follows:

Each locomotive, passenger car and caboose that is fully equipped with glazing materials that meets the requirements of this part shall be stenciled on an interior wall as follows:

“Fully Equipped FRA Part 223 glazing” or similar words conveying that meaning in letters at least 3/8 inch high.

Appendix A requires more detailed information than section 223.17. It provides the following:

c. Material Identification

(1) Each individual unit of glazing material shall be permanently marked, prior to installation, to indicate that this type of material has been successfully tested as set forth in this appendix and that marking shall be done in such a manner that it is clearly visible after the material has been installed.

(2) Each individual unit of a glazing material that has successfully passed the Type I testing regimen shall be marked to indicate:

- (i) "FRA Type I" material;
- (ii) the manufacturer of the material;
- (iii) the type or brand identification of the material.

(3) Each individual unit of a glazing material that has successfully passed the Type II testing regimen shall be marked to indicate:

- (i) "FRA Type II" material;
- (ii) the manufacturer of the material;
- (iii) the type or brand identification of the material.

AAR believes that, "with glazing materials required to have detailed information set forth in Appendix A, there is no reason to require the information on the walls of rolling stock required by section 223.17. Section 223.17 is simply superfluous." In its letter, AAR pointed out that it filed a petition with FRA in 2004 to eliminate the stenciling requirement under 49 CFR 223.17 and remarked:

With more than eight years having elapsed since AAR filed its petition, it is past the point in time when FRA should have acted to eliminate the requirement to stencil rolling stock. OMB should deny the request to approve this useless information collection requirement.

FRA fully acknowledges the issue that AAR raises in its January 9th letter and in its earlier petition to FRA. For some time, FRA has planned to address this issue through an agency rulemaking. However, FRA cannot always proceed with a rulemaking as quickly as it or the regulated community would like, even when the agency knows that a current rule needs to be revised. The AAR well knows that the rulemaking process is neither a fast nor a simple process. Myriad points of view must be considered before the agency changes an existing rule. To achieve its mission to promote and enforce all areas of rail safety, FRA must prioritize its rulemaking agenda to address those areas that will most greatly and directly impact rail safety. In that regard, the current state of rail safety throughout the nation is a prime consideration. Rail accidents and incidents that occur at any given time and result in numerous injuries, fatalities, significant property damage, or harm to nearby communities will demand urgent agency action. Items on the agency regulatory agenda then will be moved up or down depending on current rail events. Having said all the above, FRA plans on revising its Safety Glazing Standards Rule (49 CFR Part 223) later this year. FRA will carefully review section 223.17 and other requirements in this rule that are deemed unnecessary or superfluous with the object of

eliminating them. FRA asks AAR's patience and asks OMB to approve this latest renewal information collection submission with its current requirements for the maximum time period while FRA works on completing its intended rulemaking action.

9. Payments or gifts to respondents.

There are no monetary payments or gifts made to respondents associated with the information collection requirements contained in this regulation.

10. Assurance of confidentiality.

This is not an information collection per se, and no confidentiality is promised any respondent.

11. Justification for any questions of a sensitive nature.

Again, this is not an information collection activity per se. The record-keeping does not involve information of a personal nature.

12. Estimate of burden hours for information collected.

Note: FRA has consulted with the agency program specialist responsible for Part 223 compliance to determine that there are no changes in burden estimates from the last approved submission.

§ 223.17 - Identification of Equipped Locomotives, Passenger Cars, and Caboose

Each locomotive, passenger car, and caboose that is fully equipped with glazing materials that meets the requirements of this Part must be stenciled on an interior wall as follows: "Fully equipped FRA Part 223 glazing" or similar words conveying that meaning in letters at least 3/8 inch high.

FRA estimates that approximately 200 cars (100 locomotives + 100 passenger cars) will be stenciled, or have a metal plate installed with the required inscription each year. This is either done at the locomotive/car manufacturer for new locomotives/cars or in a shop for cars that are rebuilt and need to be retrofitted. It is estimated that it will take approximately 15 minutes to stencil/attach a metal plate to each car. Total annual burden for this requirement is 50 hours.

Respondent Universe:	4 manufacturers (locomotives/cars)
Burden time per response:	15 minutes
Frequency of Response:	On occasion
Annual number of Responses:	200 stencilings/metal plates

Annual Burden: 50 hours
Calculation: 200 stencilings/metal plates x 15 min. = 50 hours

§ 223.17 - Appendix A

As provided in this Part, certified glazing materials installed in locomotives, passenger cars, or cabooses must be certified by the glazing manufacturer in accordance with the following procedures:

(a) General Requirements. (1) Each manufacturer that provides glazing materials, intended by the manufacturer for use in achieving compliance with the requirements of this Part, shall certify that each type of glazing material being supplied for this purpose has been successfully tested in accordance with this appendix and that test verification data is available to a railroad or to FRA upon request; (2) The test verification data shall contain all pertinent original data logs and documentation that the selection of material samples, test set-ups, test measuring devices, and test procedures were performed by qualified personnel using recognized and acceptable practices and in accordance with this appendix.

(b) Testing Requirements. (1) The material to be tested (Target Materials) shall be a full scale sample of the largest dimension intended to be produced and installed; (2) The Target Material shall be representative of production material and shall be selected on a documented random choice basis . . . (b)(16) After successful completion of the prescribed set of required consecutive tests, a manufacturer may certify in writing that a particular glazing material meets the requirements of these standards.

There are approximately five (5) manufacturers of glazing materials. FRA estimates that each manufacturer will receive approximately two (2) requests per year (or a total of 10) for glazing certification information from the railroads and/or FRA. These figures are based on conversations with knowledgeable FRA staff. It is estimated that it will take approximately 15 minutes (on average) to respond to a certification request. Total annual burden for this requirement is three (3) hours.

Respondent Universe:	5 manufacturers
Burden time per response:	15 minutes
Frequency of Response:	On occasion
Annual number of Responses:	10 requests
Annual Burden:	

3 hours

Calculation: 10 requests x 15 min. = 3 hours

c. Material Identification. (1) Each individual unit of glazing material must be permanently marked, prior to installation, to indicate that this type of material has been successfully tested as set forth in this appendix and that marking must be done in such a manner that it is clearly visible after the material has been installed; (2) Each individual unit of glazing material that has successfully passed the Type I testing regimen must be marked to indicate: (i) "FRA Type I" material; (ii) the manufacturer of the material; (iii) the type or brand identification of the material; (3) each individual unit of a glazing material that has successfully passed the Type II testing regimen must be marked to indicate: (i) "FRA Type II" material ; (ii) the manufacturer of the material; and (iii) the type or brand identification of the material.

FRA estimates that approximately 25,000 pieces of glazing will be identified each year. It is estimated that approximately 480 pieces per hour will be appropriately marked. Total annual burden for this requirement is 52 hours.

Respondent Universe:	5 manufacturers
Burden time per response:	480 pieces per hour
Frequency of Response:	On occasion
Annual number of Responses:	25,000 pieces
Annual Burden:	52 hours

Calculation: 25,000 pieces ÷ 480 p/hr. = 52 hours

Approximately every five years, a new manufacturer is added, or a current manufacturer tests a new material. FRA estimates that it will take approximately 70 man-hours to conduct the necessary tests, and produce the required test verification data. Total annual burden for this requirement is 14 hours (70 hours divided by 5 years).

Respondent Universe:	5 manufacturers
Burden time per response:	14 hours (5 yr. average)
Frequency of Response:	On occasion
Annual number of Responses:	1 test
Annual Burden:	14 hours

Calculation: 1 test x 14 hrs. = 14 hours

Total annual burden for this entire information collection is 119 hours (50 + 3 + 52 + 14).

13. Estimate of total annual costs to respondents.

Total estimated cost to the respondents for certification of glazing material is based on

the annual cost to the glazing manufacturers associated with the purchase of metal plates that are attached to the interior wall of the locomotive, passenger car, or caboose; the annual cost for providing the certification information to either the railroad or FRA; the manufacturers annual cost associated with marking the individual glazing pieces; and a portion of the cost associated with the testing and certification of new glazing material.

The cost for the metal plates is \$7 each. The total annual cost for purchasing 200 (pre-printed) metal plates is \$1,400 (200 x \$7).

The glazing certification testing for the majority of the existing manufacturers was performed at government expense by FRA at the Transportation Test Center in Pueblo, Colorado. There have been no new certification tests conducted in the last several years to our knowledge. FRA anticipates, however, that approximately every five years a new manufacturer of glazing will be added or a current manufacturer will test a new material and conduct certification tests. The estimated cost is \$7,000 total for Type I and II certification (material). Since FRA anticipates that this will only occur once every five years, the total annual cost associated with certification testing will be \$1,400 (\$7,000 divided by 5).

The estimated annual cost to the glazing manufacturers in providing certification information when requested includes the cost to store the results from proof testing in addition to the cost to prepare and forward a statement of certification, including a copy of the test results. Several of the glazing manufacturers have pre-printed copies of the test results which are available upon request; some are included as part of sales promotion information packets. The average estimated annual cost to the respondents to maintain and provide certification information is estimated to be \$3,000 (costs for printing/copying and mailing test data).

The estimated annual cost to the glazing manufacturers associated with marking each piece of glazing includes the cost necessary to prepare the marking labels along with recordkeeping associated with retaining the required marking information. No additional cost is estimated to affix the label in the material since this is accomplished in conjunction with normal manufacturing processes and requires no special setup time or delays. The average estimated annual cost to the respondents for glazing marking is \$750, which includes the cost for marking material (25,000 labels at \$.03 each).

The total estimated additional cost to respondents is \$6,550 (1,400 + 1,400 + 3,000 + 750).

14. Estimate of Cost to Federal Government.

Currently, there is no cost to the Federal Government in connection with the certification of glazing materials.

15. Explanation of program changes and adjustments.

There are **no changes** in the information collection requirements for this submission and there are **no changes** in burden estimates as well. Thus, there are **no program changes** and **adjustments** at this time, and there is **no change** in total burden hours from the last approved information collection submission to OMB.

Furthermore, there is **no change** in burden costs from the last approved submission.

16. Publication of results of data collection.

This is not an information collection activity per se, and the agency does not plan to publish this information for statistical use.

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

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

18. Exception to certification statement.

No exceptions are taken at this time.

Meeting Department of Transportation (DOT) Strategic Goals

This information collection supports the main DOT strategic goal, namely transportation safety. Without this collection of information, rail safety throughout the U.S. might be significantly impeded. Specifically, the safety of train crews and the traveling public might be jeopardized because units of glazing material were installed on the windows of freight, passenger cars, and cabooses which did not meet Federal safety standards. If such glazing materials were used, train crews and passengers might suffer greater injuries – possibly higher fatalities – in the event of an accident/incident where substandard or defective glass shattered. Also, train crews and passengers might suffer significant injuries – possibly even fatalities – in cases where projectiles hit trains traveling at a high rate of speed, and the glazing material of these windows could not withstand the impact.

The collection of information promotes safety by assuring railroads and FRA that the glazing materials used on the windows of every passenger car, freight car, and caboose have been tested and meet Federal safety standards. The collection of information further promotes safety by providing FRA and railroads with the name of the manufacturer and the type of material should problems/deficiencies arise with a given glazing material. In the event defective glazing material is discovered, FRA could then apprise the entire railroad community so that they could take appropriate action to protect passengers and train crews.

In summary, this collection of information enhances railroad safety by providing an additional layer of protection relating to a key component of all locomotives, passenger cars, and freight cars that comprise the totality of passenger and freight movement in this country. It furthers DOT's goal of promoting the public health and safety by working toward the elimination of transportation-related deaths, injuries, and property damage.

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.