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SUPPORTING JUSTIFICATION
REMOTELY CONTROLLED RAILROAD SWITCH OPERATIONS
OMB No. 2130-0516

Summary of Submission

- This submission is a request for a revision of the previous approval granted by OMB on September 21, 2010, which expires on **September 30, 2013**.
- The total number of burden hours **previously approved** for this information collection amounted to **60,038 hours**.
- The total number of burden **hours requested** for this submission is **60,010 hours**.
- The change in burden is solely due to one **adjustment**, which decreased the burden by **28 hours**.
- Total number of responses **previously approved** for this information collection amounted to **3,602,300**.
- Total number of **responses requested** for this information collection submission amount to **3,600,575**.
- The change in the number of responses is also solely due to one **adjustment**, which decreased the number of responses by **1,725**.
- ****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

BLUE SIGNAL PROTECTION OF WORKMEN

Under the "Federal Railroad Safety Act of 1970, "the Secretary of Transportation was given authority to prescribe, as necessary, appropriate rules, regulations, orders, and standards for all areas of railroad safety." On January 15, 1974, the Federal Railroad Administration (FRA) issued an advanced notice of proposed safety regulations (FR Vol. 39, No. 10) that would require railroads to take certain protective measures to assure the safety of railroad employees engaged in the inspection, repair, and servicing of trains, locomotives, and other rolling equipment. Most railroads had issued rules corresponding to established Association of American Railroads' (AAR) Standard Code of Operating

Rules. However, application, interpretation, and observance of these rules differed greatly from railroad to railroad, and, in many cases, from location to location. This situation resulted in confusion and uncertainty as to the procedures to be followed in a given situation. Moreover, the railroads' failure to strictly enforce these protective rules had contributed to a number of serious injuries and fatalities to railroad employees working under or about rolling equipment. The purpose of the advanced notice was to solicit public participation and comment on the nature of the rules to be developed by FRA to protect employees who must work on, under, and between locomotives and cars while performing inspection, repair, and servicing of equipment. Interested persons commented at a public hearing held on September 5, 1975. On March 15, 1976, after considering all the comments, FRA decided to adopt the proposed regulation and published the final rule (FR Vol 41, No. 51).

PROTECTION OF OCCUPIED CAMP CARS

Under current industry practice, sizeable groups of workers are organized in so called "production gangs" to improve the speed, quality, and efficiency with which large scale rail maintenance can be accomplished. Such a group will move progressively over that section of rail line on which work is being done. This is typically seasonal work that must be accomplished while weather conditions permit. Railroads need to house these workers in reasonable proximity to the work site. In many areas of the country, no feasible lodging alternatives exist, and railroads have converted on-track vehicles to provide housing or sleeping quarters for the workers. The units range from modular homes mounted on flat cars to converted passenger and freight cars, and are known by several names, including camp cars, outfit cars, and bunk cars. For convenience, these vehicles are referred to as "camp cars."

Camp cars are generally parked in yards. When space allows, they are placed on tracks to which they have exclusive access. However, in many cases, camp cars must be located on tracks where switching is performed or on tracks to which other railroad equipment requires access. When camp cars share a track or siding with other equipment, there is the risk that the cars will be struck by rolling stock and that the occupants will be injured or killed. In one such instance, a freight train collided with several camp cars, resulting in injuries to 22 people, including the four crew members of the locomotive and 18 maintenance-of-way employees. The cause of the accident was a failure to close a switch on the main track. A number of railroads have rules addressing this hazard. However, the level of protection varies among railroads, and FRA observations indicate that adherence to such rules is sporadic.

In response to a statutory mandate, Section 19(c) of the Rail Safety Improvement Act (RSIA) of 1988, FRA amended its operating practices regulations (49 CFR 218) to require that the same type of blue signal protection now provided to workers on rolling stock be provided to maintenance-of-way, signal, and bridge and building employees who occupy camp cars.

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

The information is used by railroads to provide protection for work crews while they are performing necessary maintenance and repair tasks on a particular segment or segments of track. Specifically, the information is used by operators of remotely controlled switches to line each remotely controlled switch against movement to that track and apply an effective locking device to the lever, button, or other device controlling the switch so that he can then inform the employee in charge of the work crew that protection has been provided and that they may proceed with their jobs. The operator of the remotely controlled switch can not remove the locking device unless (and until) he has been informed by the person in charge of the workers that it is safe to do so. The written notification is designed to complement the requirements for handling of remotely-controlled switches by heightening attention to safety requirements. Thus, the written notification received by the operator serves as a record of protection provided under blue signal protection of workmen and as a record of protection provided for camp cars that are placed on a particular track or segment of track and that will be housing railroad workers. Railroads' supervisory personnel use the information to verify that operators are complying with their operating rules and procedures, as well as Federal regulations, and to confirm that track work crews are being provided adequate protection.

Additionally, since operators are required to maintain a written record of each notification for 15 days, FRA inspectors – in the course of their normal duties – are able to use this record (containing specific information spelled out by this Part) to assure that requirements of this regulation are fulfilled. Moreover, in the event of an accident or incident where a track crew member(s) is injured or killed, the written record provides FRA and other investigators an invaluable resource concerning the level and type of protection provided on the relevant track or segment of track on the specific date in question.

3. Extent of automated information collection.

FRA highly encourages and strongly endorses the use of advanced information technology, wherever possible, to reduce burden on respondents. The amount and type of information required does not require elaborate information processing. This collection of information contains only two requirements. For the notification record required under §218.77, FRA allows railroads the option to keep a written record or an electronic record.

4. Efforts to identify duplication.

This information is unique and is not duplicated elsewhere.

Similar data are not available from any other source.

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

The number of railroad affected by this collection of information is a small fraction (approximately 70) of the total number of small railroads in operation today (approximately 719). Although the respondent burden varies with the complexity of rail operations, mostly larger railroads will be impacted. Small railroads with limited operations would have no recordkeeping burden.

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

If this information were not collected or collected less frequently, rail safety in the United States would be seriously jeopardized. Specifically, without this collection of information, railroad track crews might not be provided necessary protection while they are performing their jobs or while they are occupying camp cars. Railroad workmen are vulnerable to being struck by moving cars as they inspect or service equipment on a particular track or as they rest in camp cars. Production of written records of notification enhances attention to safety requirements by minimizing mental lapses by personnel handling several operations simultaneously. FRA believes that there are no circumstances under which the operator should provide or remove protection using memory as the sole safeguard against accidental removal of protection. Rather, FRA believes a tangible means of assuring that all the necessary steps have been completed and that operators have fulfilled their responsibilities to line the track against movement and to apply an effective locking device will best protect track work crews. Without this collection of information, there would likely be a greater number of injuries and fatalities to railroad workmen as they perform their normal maintenance and repair duties and as they rest in camp cars.

Without this collection of information (i.e., the written notification records), FRA and other investigators would be deprived of an invaluable resource concerning the level and type of protection provided on the relevant track or segment of track on a specific date in question when conducting an investigation of an accident/incident where railroad workmen are injured or killed.

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 March 27, 2013, soliciting comment on this particular information collection. 78 FR 18672. FRA received no comments in response to this notice.

Background

Public hearings and comments were accepted in the formulation of the regulations. FRA issued a Notice of Proposed Rulemaking (NPRM) on September 23, 1982 (FR 42001) proposing specific changes to the information collection requirements. Two commenters responded to that proposal. Both urged that FRA adopt the proposed changes without modification.

9. Payments or gifts to respondents.

No payment or gift of any kind is made to respondents.

10. Assurance of confidentiality.

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

11. Justification for any questions of a sensitive nature.

These requirements have nothing to do with sensitive matters such as sexual behavior and attitudes, religious beliefs, and other matters commonly considered private.

12. Estimate of burden hours for information collected.

Note: According to the latest agency data, there are approximately 763 railroads now operating in the United States. Approximately 70 railroads are affected by this collection of information.

BLUE SIGNAL PROTECTION OF WORKMEN

§218.30 Remotely Controlled Switches

(a) After the operator of the remotely controlled switches has received the notification required by § 218.27(c), he must line each remotely controlled switch against movement to that track and apply an effective locking device to the lever, button, or other device controlling the switch before he may inform the employee in charge of the workers that protection has been provided.

(b) The operator may not remove the locking device unless he has been informed by the person in charge of the workers that it is safe to do so.

(c) The operator must maintain for 15 days a written record of each notification which contains the following information: (1) The name and craft of the employee in charge

who provided the notification; (2) The number or other designation of the track involved; (3) The date and time the operator notified the employee in charge that protection had been provided in accordance with paragraph (a) of this section; and (4) The date and time the operator was informed that the work had been completed, and the name and craft of the employee in charge who provided this information.

Because of consolidations, FRA estimates number of railroads conducting remotely controlled switching operations has decreased and numbers about 70. The frequency of response is approximately 140 times per day. It is estimated that it takes approximately one (1) minute to prepare each record. The one minute estimate is based on the following procedures as protection is provided:

1. Car inspector calls operator (of remote switches) to request that track be "blocked out" so that he can perform his duties;
2. Operator contacts yardmaster in another location to determine if track is clear, or if there are any planned movements;
3. Yardmaster responds back to operator that track may be worked on after blue flag protection is secured; and
4. Operator informs inspector of these developments and makes records of time of calls, dates, affected track, names of car inspector and yardmaster, and other relevant information.

FRA estimates that there will be approximately 3,600,000 notifications (70 railroads x 140 responses per day x 365 days per year) and corresponding records each year. Again, it is estimated that each record requires approximately one (1) minute to complete. Total annual burden for this requirement is 60,000 hours.

Respondent Universe:

70
railroads

Burden time per response:

1 minute

Frequency of Response:

On

Occasi
on
(Daily)

Annual number of Responses: 3,600,000 notification records
Annual Burden:

60,000
hours

Calculation: 3,600,000 records x 1 min. = 60,000 hours

PROTECTION OF OCCUPIED CAMP CARS

§ 218.77 Remotely Controlled Switches

(a) After the operator of the remotely controlled switch is notified that a camp car is to be placed on a particular track, he shall line such switch against movement to that track and apply an effective locking device applied to the lever, button, or other device controlling the switch before informing the person in charge of the camp car occupants that protection has been provided.

(b) The operator may not remove the locking device until informed by the person in charge of the camp car occupants that protection is no longer required.

(c) The operator must maintain for 15 days a written record of each notification which contains the following information: (1) The name and craft of the employee in charge who provided the notification; (2) The number or other designation of the track involved; (3) The date and time the operator notified the employee in charge that protection had been provided in accordance with paragraph (a) of this section; and (4) The date and time the operator was informed that the work had been completed, and the name and craft of the employee in charge who provided this information.

Respondent universe is the four (4) major railroads since nearly all camp cars are used by them. FRA estimates that it takes approximately four (4) minutes to prepare each record. This four minute estimate is based on the following procedures as protection is provided:

1. Person in charge of the camp car occupants notifies operator of remotely

controlled switches to request the track where the camp cars are to be parked to be "blocked out";

- 2. Operator then lines such switch against movement to that track and applies an effective locking device to the lever, button, or other device controlling the switch; and informs the person in charge of the camp car occupants that protection has been provided and alerts affected personnel of the presence of the cars.
- 3. Operator of remotely controlled switches makes a record of the time of calls, dates, affected track, name and craft of the employee in charge who provided the notification, and other relevant information.

FRA estimates that the operators of remotely controlled switches will receive approximately 575 notifications annually for protection of track where camp cars will be parked. Because only notations on a sheet of paper are necessary, it is estimated that each record requires approximately one (1) minute to complete. Total annual burden for this requirement is 19 hours.

Respondent Universe:

1
major
railroad

Burden time per response:

1
minute

Frequency of Response:

On
Occasion

Annual number of Responses: 575 notifications
Annual Burden:

10
hours

Calculation:

575 notifications x 1 min. = 10 hours

Total annual burden for this entire information collection is 60,010 hours (60,000 + 10).

13. Estimate of total annual costs to respondents.

There are no additional costs to respondents outside of labor costs.

14. Estimate of Cost to Federal Government.

There is no cost to the Federal Government in connection with these recordkeeping requirements. FRA inspectors will examine the required records, as necessary, in the course of their normal enforcement duties as well as during investigations of accidents/incidents.

15. Explanation of program changes and adjustments.

The burden for this revised information collection has decreased by a total of 28 hours from the last approved submission. The change in burden is solely due to one **adjustment** as shown in the table below.

TABLE FOR ADJUSTMENTS

| CFR Section | Responses & Avg. Time (Previous Submission) | Responses & Avg. Time (This Submission) | Burden Hours (Previous Submission) | FRA Burden Hours (This Submission) | Difference (plus/minus) |
|---|---|---|------------------------------------|------------------------------------|------------------------------|
| 218.77b – Remotely Controlled Switches: Notification for protection of track where camp cars will be parked | 2,300 notices/ notifications 1 minute | 575 notices/ notifications 1 minute | 38 hours | 10 hours | -- 28 hours --1,725 resp. |

The current burden for this information collection in the OMB inventory shows a total of *60,038 hours*, while the present submission exhibits a total burden of *60,010 hours*. Hence, there is decrease in burden of 28 hours from the last approved submission.

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

16. Publication of results of data collection.

There are no plans for publication involving these information collection requirements.

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 top DOT strategic goal, namely transportation safety. Without this collection of information, rail safety in the U.S. would be significantly hampered. Specifically, the safety of railroad workers would be jeopardized. Railroad workmen are vulnerable to being struck by moving cars as they inspect or service equipment on a particular track or as they occupy camp cars. Production of written records of notification heightens attention to safety requirements by minimizing mental lapses by personnel who are handling several operations at the same time. The written notifications also serve to enhance safety by providing an extremely valuable resource that FRA and railroads can use when conducting an investigation of an accident/incident where railroad workmen are injured or killed. The knowledge gained from both the records and the investigation can be used to prevent similar accidents/incidents from occurring in the future.

In sum, this collection of information provides another tool FRA can use to ensure that Federal regulations are complied with. This promotes rail safety and aids FRA in fulfilling its primary mission. Further, 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.