

SUPPORTING STATEMENT

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

Collecting data on the nation's transportation system is an important component of BTS's responsibility to the transportation community and is authorized in BTS' statutory authority. On July 6, 2012, President Obama signed the Moving Ahead for Progress in the 21st Century Act (MAP-21) (Public Law 112-141) which amended Title 49 U.S.C. by adding a new chapter (Chapter 63) for the Bureau of Transportation Statistics (BTS). Section 6302 authorizes the BTS Director to establish on behalf of the Secretary a program- *(I) to effectively integrate safety data across modes; and (II) to address gaps in existing safety data programs of the Department;* Section 6306 authorizes the BTS Director to enter agreements with Federal, state, local or private agencies for the purposes of transportation data collection and analysis. The legislation authorizes to ensure that all transportation statistical collection, analysis, and dissemination is carried out in a coordinated manner, the BTS Director may- *(1) use the services, equipment, records, personnel, information, and facilities of other Federal agencies, or State, local, and private agencies and instrumentalities, subject to the conditions that the applicable agency or instrumentality consents to that use and with or without reimbursement for such use; (2) enter into agreements with the agencies and instrumentalities described in paragraph (1) for purposes of data collection and analysis; ...*

To that end, BTS has agreed through a Cooperative Agreement with the Washington Metropolitan Area Transit Authority (WMATA) to jointly plan and develop a multi-year Confidential Close Call Transit Safety Reporting System (close call project) for the sole purpose of improving safety in rail transit operations through the use of precursor data and sharing lessons learned with other transit entities. Close call events represent an opportunity to identify root causes of unsafe behaviors and correct weaknesses in a railroad's safety system prior to an unsafe event. This voluntary reporting system will captures information that would otherwise remain unknown and provide WMATA with opportunities to identify and address safety issues proactively. WMATA and its Union, Local 689 consider this an important effort at improving employee safety.

WMATA is sponsoring the close call project to demonstrate the effectiveness of a confidential, non-punitive close call reporting system in rail transit operations. Additional details regarding the specifics of the project's technical requirements and implementation plan are found in a Memorandum of Understanding (MOU) document signed by BTS, WMATA and its labor organization, ATU Local 689.

A close call represents a situation in which an ongoing sequence of events was stopped from developing further, preventing the occurrence of potentially serious safety-related consequences.

This might include the following: (1) events that happen frequently, but have low safety consequences; (2) events that happen infrequently but have the potential for high consequences (e.g., a train in dark territory proceeds beyond its authority); (3) events that are below the WMATA reporting threshold (e.g., an event that causes a minor injury); and (4) events that are reportable to WMATA but have the potential for a far greater accident than the one reported (e.g., a slow speed collision with minor damage to the equipment and no injuries.)

Based on the MOU, the Bureau of Transportation Statistics (BTS) will develop and operate the close call reporting data system, receives confidential close call incident reports from participating employees, conduct confidential interviews, provide root cause analysis, and disseminate results . As the owner of the information, BTS protects the confidentiality of this information through its own confidentiality statute (49 U.S.C. 111(k)) and through the Confidential Information Protection and Statistical Efficiency Act of 2002 (Public Law 107-347, title V, subtitle A). WMATA employees reporting a close call receive protection from discipline if they report an event within 24 hours of its occurrence.

Through this submission, BTS is requesting clearance to collect close calls reported by members of Local 689 working in WMATA's rail operations.

2. Indicate how, by whom, and for what purpose the information is to be used. Indicate the actual use the agency has made of the information received from the current collection.

The WMATA is the sponsor of this research effort and has pledged to support the development of such program and lead the transit industry in the use of precursor safety data to identify and resolve safety issues proactively. Based on the MOU, members of Local 689 working in rail operations and their frontline supervisors have agreed to participate in this close call program. BTS will collect, store, process, and analyze data on close calls while assuring data confidentiality. The system serves to both capture data that would otherwise not be reported to either WMATA management and Local 689, as well as provide WMATA with opportunities to identify safety issues that require some form of intervention.

Respondents are invited to submit a close call report whenever a qualified event occurs in the course of their workday. A Peer Review Team (PRT) comprised of representatives of WMATA, Local 689, and BTS will analyze the close call data, conduct root cause and trend analyses to identify potential root causes of unsafe events, and propose appropriate preventative safety actions to WMATA.

Micro-data collected through this process will be used for statistical purposes only. Only, summary statistics will be released in Annual Progress reports. These statistics will be used to report on progress, lessons learned, performance of implemented preventative safety actions and to study the feasibility of instituting such program on a more permanent basis at WMATA. In addition, published research will focus on the nature of reported close calls, any observable association between close calls and reportable events, and conditions necessary to predict the progression from a close call to a serious incident.

BTS has formed a Peer Review Team (PRT) consisting of subject matter experts in all rail transit crafts, representatives of WMATA, research assistants, and IT support staff. All PRT members are designated as agents of BTS under CIPSEA. PRT meetings will take place at the secure office space assigned to this project in BTS.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submissions of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

In developing the reporting requirements, we have attempted to ensure that the form and format of all data collection tools are designed to minimize the burden of the respondents while increasing the confidence and trust in the close call reporting system. To that end, the BTS has agreed to conduct the entire data collection online. In order to minimize respondent burden, WMATA employees are asked to submit an electronic report to BTS within 24 hours of the event. Reporting employees who are unable to submit a report online are asked to call at (866) 683-9265 within 16 hours of the event to file a report by phone. Reports filed by phone must be followed by an online report within 24 hours of the event. After receiving a close call report, a BTS transportation safety expert will, if needed, contact the reporting employee for a brief interview. BTS has developed an online standardized interview tool for this data collection. The purpose of the interview is two-fold: 1) to validate the authenticity and eligibility of the reporter (only a limited number of employees will be eligible to report close calls) and 2) to make any necessary corrections to the description of the reported event or collect additional information that might be critical in understanding the root causes of the reported event when the employee's report appears to be incomplete.

4. Describe efforts to identify duplication. Show specifically why similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The risk of duplicating existing data collection efforts is minimal because WMATA is the first transit agency in the United States to formally implement a confidential close call program. In addition, existing reporting programs focus on rule compliance, are collecting information on events after the fact, and are not confidential. The proposed project offers a confidential framework to develop precursor data on potentially unsafe conditions in a rail transit operation.

5. If the collection of information impacts small businesses or other small entities, describe efforts to minimize burden.

This does not apply because the only entity participating in this data collection effort is

WMATA.

6. Describe the consequence to the Federal Program or policy activities if the collection were not collected or conducted less frequently.

The Federal Aviation Administration (FAA) established a voluntary reporting system, the Aviation Safety Reporting System (ASRS) for near misses in the mid 70's. Since then the ASRS has been an excellent source of information on precursors and unsafe work practices that can potentially lead to tragic accidents. Both the FAA and the aviation industry have used information from the ASRS to put in place guidelines and recommendations aimed at improving safety.

Subsequently, the Federal Railroad Administration (FRA) established a confidential close call reporting system (C³RS) program that has proven to be equally successful in identifying and remediating safety risks before serious accidents occur. BTS was instrumental in the establishment of this program by developing a confidential data collection process that facilitated employee participation.

The requested data collection is a 5-year project to evaluate the feasibility of implementing a voluntary, confidential reporting system, similar to the ASRS and C³RS, in a transit agency. Without a successful pilot project, implementing voluntary reporting of close calls in the transit industry could have disastrous consequences ranging from losing trust and cooperation of key stakeholders in transit safety to wasting resources on an ineffective intervention program.

Without accurate data from pilot projects, it will be impossible to make a determination as to whether voluntary reporting of close calls in transit could lead to an effective safety intervention program, like the ASRS has been for the aviation industry, or what key elements of such program are essential for sustainability and expansion of close call reporting industry-wide.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**

- **requiring respondents to retain records, other than health, government contracts, grant-in-aid, or tax records for more than 3 years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information’s confidentiality to the extent permitted by law.**

There are no special circumstances that pertain to this data collection.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the Agency’s notice, required by 5 CFR 1320.8(d) soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to the notice and describe actions taken by the agency in response to these comments.

The notice was published on November 5, 2012 in 77 FR 66503. The Agency received one comment from the National Safety Council (NSC), Docket Comment RITA-2008-0002-0037, in response to the Notice which supported the need for the information collection. The NSC comment stated they agreed with BTS that “there is a need for proper data collection and analysis on close calls and other unsafe occurrences in the WMATA rail system.”

9. Explain any decision to provide any payment or gift to respondents, other than re-enumeration of contractors or grantees.

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

10. Describe any assurances of confidentiality provided to respondents.

The confidentiality of close call data is protected under the BTS confidentiality statute (49 U.S.C. 6302) and the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2002 (Public Law 107-347, Title V). In accordance with these confidentiality statutes, only statistical and non-identifying data will be made publicly available through reports. Further, BTS will not release to WMATA or any other public or private entity any information that might reveal the identity of individuals reporting close calls or any other individuals' mentioned in these reports.

11. Are there any questions of a sensitive nature?

Although there are no questions of sensitive/personal nature, reporting of a close call can potentially place the employee at risk for disciplinary action. In an effort to mitigate those concerns WMATA management, through a Memorandum of Understanding, agreed to waive discipline if the employee reports a qualifying event within 24 hours after its occurrence.

12. Provide estimates of reporting burden.

There are approximately 5000 WMATA employees who are eligible to report a close call based on the reporting requirements defined in the MOU. Assuming similar reporting rates as those observed during the first two years of the C³RS program (i.e., approximately 8% employee participation), BTS expects to receive no more than 400 reports per year.

The whole data collection process consists of a) the reporting employee filling out a report form (we estimate time to completion to be no more than **20** min), and b) as needed, a confidential interview conducted by subject matter experts in the secure room (we estimate the interview time to take between **20 to 40** min) for a total time of up to 60 min. per close call report.

NOTE: not every employee will be interviewed. As a rule, BTS staff will interview everyone at the beginning of the project (first 6-8 months) to get a better understanding of the type of incidents reported as close calls and collect enough detail to determine appropriate approaches to root cause analysis of transit data.

Number of Responses	800
Number of Respondents	400
Frequency of Responses	2 per person per close call
Burden per Respondent	approximately 1 hour (20 min/report + 40 min/interview)
Annual burden hours	400 hours

BTS estimates the average burden time will be no more than 60 minutes per reported event.

Annualized cost is estimated to be: **\$13,168** ($368*31 + 32*55 = 10,786$)

The annualized cost is estimated based on 368 burden hours for Local 689 members and 32 burden hours for managers participating in program and earning an average of \$32 and \$55 per hour respectively.

Note: frontline supervisors represent approximately 8% of all WMATA employees eligible to report a close call.

13. Provide an estimate of cost to the respondents. Do not include the cost of any hour burden shown in items 12 and 14. General estimates should not include purchase of equipment or services or portions thereof made prior to October, 1995.

The entire cost of this data collection is imbedded in the hourly burden. There is no additional cost to the respondent.

14. Provide estimates of annualized cost to the Federal Government.

Federal Costs

None. This project is funded entirely by WMATA on a reimbursable basis to BTS.

15. Explain the reasons for any program changes or adjustments in Items 13 or 14 of OMB 83-I.

The reason for the Program Change is that the proposed demonstration/pilot study is a new data collection.

16. Is the information received published?

Micro-data received through this data collection will not be made public. The information received through this data collection will be used to identify trends and patterns of unsafe situations through multiple cause incident analysis conducted by a limited number of BTS staff and BTS agents. Results of such analyses in aggregate format will be published in annual progress reports. Summary reports will only be made available to the PRT for the sole purpose of conducting root cause analysis. All PRT members will participate in confidentiality training, sign non-disclosure agreements and be considered BTS Agents under CIPSEA.

17. Is the agency seeking approval not to display the expiration date for OMB approval?

No.

18. Explain each exception to the certification statement identified in Item 19, "Certification for paperwork reduction act submissions" of OMB Form 83-I.

None