

**INFORMATION COLLECTION
SUPPORTING JUSTIFICATION
FRA Emergency Order No. 31, Notice No. 1; OMB No. 2130-NEW**

Summary of Submission

- This submission is a **new** collection of information requesting Emergency Clearance Processing for FRA’s Emergency Order No. 31, which is being published in the **Federal Register** on **May 28, 2015**. See 80 FR 30536.
- FRA is requesting **Emergency processing** upon publication of the required **Federal Register** Notice on **May 28, 2015**, See 80 FR 30534. FRA cannot reasonably comply with normal clearance procedures because the use of normal clearance procedures is reasonably likely to disrupt the collection of information. The EO takes effect immediately upon issuance. Amtrak has 20 days to provide a written action plan to FRA detailing what actions it plans to take to comply with the Order, and FRA will either approve or disapprove that plan within 15 days after Amtrak’s submission of that action plan. At a later date (to be determined), Amtrak must provide FRA with notice of the completion of its action plan items. As such, FRA cannot wait the normal period for routine Office of Management and Budget (OMB) review and approval. Under EO 31, Amtrak must immediately initiate steps to implement the Order. Also, safety is an issue in light of the May 12, 2015, accident at Frankford Junction in Philadelphia, Pennsylvania, where eight (8) passengers were killed and more than 200 injured and in light of a similar overspeed Metro North accident that took place in 2013 where four (4) passengers were killed. FRA is, therefore, requesting OMB approval of this collection of information as soon as possible.
- The total number of burden **hours requested** for this proposed collection of information is **242 hours**.
- Total number of **responses requested** for this information collection is **195**.
- ****The answer to question number 12 itemizes the hourly burden associated with each requirement of this rule (See pp. 10-13).**

1. Circumstances that make collection of the information necessary.

Authority to enforce Federal railroad safety laws has been delegated by the Secretary of Transportation to the Administrator of FRA. See 49 CFR 1.89. Railroads are subject to FRA’s safety jurisdiction under the Federal railroad safety laws. 49 U.S.C. 20101, 20103. FRA is authorized to issue emergency orders where an unsafe condition or practice “causes an emergency situation involving a hazard of death, personal injury, or

significant harm to the environment.” 49 U.S.C. 20104. These orders may immediately impose “restrictions and prohibitions . . . that may be necessary to abate the situation.” Id.

FRA has determined that public safety compels issuance of this Emergency Order (EO). This determination is made in light of the Amtrak train derailment that occurred in Philadelphia, Pennsylvania on May 12, 2015, in which eight persons were killed and a significant number of others were seriously injured. While the cause of the accident has not yet been determined, preliminary investigation into this derailment indicates the train was traveling approximately 106 mph on a curve where the maximum authorized passenger train speed is 50 mph. This is a serious overspeed event, and FRA has concluded that additional action is necessary in the form of this EO to eliminate an immediate hazard of death, personal injury, or significant harm to the environment.

On Tuesday, May 12, 2015, Amtrak passenger train 188 (Train 188) was traveling timetable east (northbound) from Washington, D.C. to New York City. Five crew members and approximately 238 passengers were aboard Train 188. Train 188 consisted of a conventional set-up with a locomotive in the lead and seven passenger cars trailing. Shortly after 9:20 p.m., the train derailed while traveling through a curve in the track at Frankford Junction in Philadelphia, Pennsylvania. As a result of the accident, eight persons were killed and a significant number of persons were seriously injured.

The National Transportation Safety Board (NTSB) has taken the lead role conducting the investigation of this accident under its legal authority. 49 U.S.C. 1101 et seq.; 49 CFR 831.2(b). As is customary, FRA is participating in the NTSB’s investigation and also investigating the accident under its own authority. While the NTSB has not yet issued any formal findings, the information it has released makes it clear that train speed was a likely factor in the derailment. As Train 188 approached the curve from the west, it traveled over a straightaway with a maximum authorized passenger train speed of 80 mph. The maximum authorized train speed for the curve was 50 mph. The NTSB determined that the train was traveling approximately 106 mph within the curve’s 50-mph speed restriction, exceeding the maximum authorized speed on the straightaway by 26 mph, and 56 mph over railroad’s maximum authorized speed for the curve.^a The NTSB also determined the locomotive engineer operating the train made an emergency application of Train 188’s air brake system, and the train slowed to approximately 102 mph before derailing in the curve.

Upon evaluating the Amtrak accident described above, FRA found similarities to an accident that occurred in December 2013 on the New York State Metropolitan Transportation Authority’s Metro-North Commuter Railroad Company (Metro-North) track. The Metro-North accident was the subject of FRA’s Emergency Order No. 29. See 78 FR 75442 (Dec. 11, 2013). That accident occurred when a Metro-North

^a FRA regulations provide, in part, that it is unlawful to “[o]perate a train or locomotive at a speed which exceeds the maximum authorized limit by at least 10 miles per hour.” 49 C.F.R. 240.305(a)(2).

passenger train was traveling south toward Grand Central Terminal in New York City. The train traveled over a straightaway with a maximum authorized passenger train speed of 70 mph before reaching a sharp curve in the track with a maximum authorized speed of 30 mph. The NTSB's investigation of the Metro-North accident determined the train was traveling approximately 82 mph as it entered the curve's 30-mph speed restriction before derailing. That derailment resulted in four fatalities and at least 61 persons being injured.

Amtrak's passenger trains are normally operated with only one crewmember in the cab of a passenger train's locomotive. Amtrak's controlling locomotives are typically equipped with an alerter to help ensure the attentiveness of the locomotive engineer operating the train. Amtrak's locomotive controls and its signal systems also incorporate an Automatic Train Control (ATC) System, which is a train speed control system where trains are automatically slowed or stopped if a locomotive engineer fails to comply with signal indication or is otherwise unable to take action to slow a train. The ATC system is used to enforce the maximum authorized speed and compliance with certain signal indications in a particular territory, but it is not typically used to enforce civil speed restrictions that are below the maximum authorized speed for the broader territory. However, Amtrak's ATC system is capable of being used to enforce civil speed restrictions that are below the maximum authorized speed in some situations. This is accomplished by installing a code change point at (or ahead of) the location where the speed restriction is to be enforced. As mentioned above, Amtrak's existing ATC System is not currently coded to slow trains to comply with applicable speed limits in all circumstances and such coding may not be operationally feasible in all instances^b. As demonstrated by the May 12, 2015 accident, if a locomotive engineer fails to take action to slow a train when approaching such a speed restriction, currently, Amtrak's ATC System will not slow the train to comply with the speed reduction.

In light of the May 12 derailment that is the subject of this Order and in an effort to immediately prevent similar incidents from occurring that could result in an emergency situation involving a hazard of death, personal injury, or significant harm to the environment, FRA is requiring Amtrak take certain immediate actions in this Order. First, FRA is ordering Amtrak to implement code changes to its ATC System near the Frankford Junction curve in Philadelphia where the May 12 accident occurred in the timetable east (northbound) direction. The changes implemented must provide enforcement of the relevant passenger train speed limit of 50 mph for passenger trains approaching that curve. Amtrak has already completed actions to implement such changes.

Next, Amtrak must identify all other curves on the Northeast Corridor where there is a significant reduction (more than 20 mph) in the authorized passenger train speed upon the approach to the curve. After identifying such curves, Amtrak must develop and submit to

^b FRA understands that on the date of the accident the ATC system enforced the curve's speed restriction for the time table west (southbound) trains at this curve but not for the time table east (northbound) trains.

FRA for review and approval an action plan to make appropriate code modifications to its existing ATC System or other signal systems to enable warning and enforcement of relevant passenger train speed restrictions. This requirement does not apply to portions of the Northeast Corridor where Amtrak's operations are governed by a Positive Train Control (PTC) system that is operative. To the extent that other railroads operate passenger trains at the same maximum authorized speeds as Amtrak in the curves affected by this Order, the modifications Amtrak makes to the ATC or signal systems must also enforce the relevant speed restrictions for those trains.

If such code changes at identified curves are not feasible, or might otherwise interfere with efficient passenger train service or the timely implementation of PTC, Amtrak must identify other actions it will take to ensure compliance with speed reductions (e.g., a procedure whereby locomotive engineer and a second qualified employee communicate via radio ahead of relevant speed reductions, and where the second qualified employee may make an emergency brake application to slow the train if the locomotive engineer fails to do so). These alternative operational actions must be described in Amtrak's action plan submitted to FRA for approval. In addition, any alternative operational actions Amtrak adopts to ensure compliance with speed restrictions at identified curve locations on the Northeast Corridor also apply to passenger trains operated by other railroads at those curve locations.

FRA notes that other railroads have coded their ATC systems to prevent overspeed events from occurring at locations where there are civil or other speed restrictions. FRA's Emergency Order No. 29, issued after the December 2013 accident discussed above, required Metro-North to take similar actions in response to that accident. FRA is ordering Amtrak to take similar steps to prevent accidents similar to the May 12, 2015, accident from occurring in the future if a locomotive engineer fails (or is otherwise unable) to take action to appropriately slow or stop a passenger train.

In addition to the above requirements, Amtrak must also enhance speed restriction signage along its rights-of-way on the Northeast Corridor. Amtrak must identify in the action plan that it must submit to FRA the locations at which it intends to install such additional signage, and provide notice to FRA when such additional signage has been installed. Increasing the amount and frequency of signage provides a redundant means to remind engineers and conductors of the authorized speed, in addition to information they receive from the ATC System and operational documents such as timetable or bulletin.

FRA recognizes that Amtrak has been diligent in implementing PTC on the Northeast Corridor by December 31, 2015, as required by the Rail Safety Improvement Act of 2008. (Public Law 110-432, Division A, 122 Stat. 4848). Amtrak has indicated that it intends to meet the RSIA's statutory deadline to install PTC on the Northeast Corridor. Once in use, the PTC system will enforce the speed restriction at the curve where the May 12, 2015, accident occurred, but the interim action of implementing the code change in the ATC system will provide overspeed derailment protection until the PTC system is

in use. As discussed above, FRA also understands that Amtrak has already taken action to enforce the speed reduction at the curve where the May 12, 2015, accident occurred prior to resumption of passenger train service, and plans to take similar actions at certain other locations on the Northeast Corridor. Amtrak also has stated it intends to increase radar checks, locomotive event recorder downloads, and efficiency tests aimed at ensuring compliance with relevant speed restrictions. Finally, Amtrak intends to hold listening sessions with its employees to learn about and address any additional safety concerns.

Nonetheless, due to the significant safety concerns presented by the May 12, 2015 accident, FRA believes immediate enforceable action is necessary to address the emergency situation that contributed to that derailment. FRA will continue to review additional actions to address safety concerns on the Nation's passenger rail systems as its investigation into the May 12, 2015 derailment continues. FRA will revisit the necessity of the requirements in this Order upon reviewing Amtrak's actions taken to comply with the EO, or upon PTC systems governing Amtrak's operations on the Northeast Corridor becoming operative.

In sum, FRA is issuing this Emergency Order (EO or Order) to require that the National Railroad Passenger Corporation (Amtrak) take actions to control passenger train speed at certain locations on main line track in the Northeast Rail Corridor (as defined by 49 U.S.C. 24905(c)(1)(A)). Amtrak must immediately implement code changes to its Automatic Train Control (ATC) System to enforce the passenger train speed limit ahead of the curve at Frankford Junction in Philadelphia, Pennsylvania, where a fatal accident occurred on May 12, 2015. Amtrak must also identify all other curves on the Northeast Corridor where there is a significant reduction (more than 20 miles per hour (mph)) from the maximum authorized approach speed to those curves for passenger trains. Amtrak must then develop and comply with an FRA-approved action plan to modify its existing ATC System or other signal systems (or take alternative operational actions) to enable enforcement of passenger train speeds at the identified curves. Amtrak must also install additional wayside passenger train speed limit signage at appropriate locations on its Northeast Corridor right-of-way.

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

This is a new collection of information. The proposed collection of information will be used by FRA to ensure that Amtrak completes the required survey of its mainline track along the Northeast Rail Corridor (NEC) to identify each main track curve where there is a reduction of more than 20 mph from the maximum authorized approach speed to that curve for passenger trains and to ensure that Amtrak provides the stipulated list of each such location to FRA.

FRA will review the required action plan to ensure that Amtrak Identifies appropriate modifications to its existing Automatic Train Control (ATC) System or other signal systems to enable warning and enforcement of applicable passenger train speeds at the

identified curves. If such coding changes will interfere with efficient passenger train service or the timely implementation of PTC, Amtrak's plan must describe why such changes are not feasible and may describe alternative operating procedures that it will adopt at the identified curves to ensure compliance with applicable speed reductions. Additionally, FRA will review the required action plan to ensure that it contains milestones and target dates for implementing each identified modification to Amtrak's existing ATC System or other signal systems (or alternative operational changes) to enable warning and enforcement of passenger train speeds at the identified curves. Amtrak must submit the required action plan to the FRA Associate Administrator within 20 days of the date of this Emergency Order. FRA will review and approve, approve with conditions, or disapprove Amtrak's action plan within 15 days of the plan's submission to FRA. Once FRA approves its action plan, Amtrak must make all identified modifications to the existing ATC System or other signal systems (or alternative operational changes) in the timeframes and manner that complies with all conditions FRA places on its approval of Amtrak's action plan.

Under EO 31, Amtrak is required to install additional wayside signs – as soon as possible but not later than 30 days after the date of this Order – alerting engineers and conductors of the maximum authorized speed through its Northeast Rail Corridor system, with particular emphasis on additional signage at the curve locations where speed reductions implicated by this Order occur. FRA will review Amtrak's action plan to verify that it has identified the locations where it intends to install the additional wayside speed limit signs. Further, Amtrak is required notify the Associate Administrator upon the completion of the installation of those signs. FRA will review these notices to ensure that Amtrak has actually placed the signs in the designated locations. FRA track inspectors will physically go out and visit the approximately five locations where signs will be placed to confirm that they have indeed been placed at these sites with the necessary information on the approach speed limit, the speed limit, and the resume speed limit within the stipulated time frame.

Finally, FRA will review any petition for relief by Amtrak or any other railroad affected operationally by this Order to determine whether it is safe and in the public interest for that party to take action not in accordance with this Order. Petitions seeking relief must clearly articulate an alternative action that will provide at least a level of safety to that provided by compliance with this Emergency Order. FRA's Associate Administrator for Safety/Chief Safety Officer will only grant relief to a railroad where this criterion is met.

3. Extent of automated information collection.

Over the years, FRA has consistently and strongly endorsed the use of the latest information technology, wherever feasible, to reduce burden on respondents and increase efficiency. FRA expects that the required list, action plan, and notices will all be submitted electronically. FRA also expects that any/all petitions for special approval not take action in accordance with this Emergency Order will be submitted electronically to

the agency. However, the overwhelming majority of responses pertain to the installation of signs along the Northeast Corridor. Thus, FRA only 5% of responses will be electronic.

4. Efforts to identify duplication.

The proposed collection of information is new and pertains to a critical Emergency Order that FRA is issuing to protect public safety along the highly traveled Northeast Rail Corridor. Thus, the information collected is unique and not currently available.

The proposed collection of information is not duplicated anywhere.

5. Efforts to minimize the burden on small businesses.

This Emergency Order primarily affects Amtrak and any other small number of railroads that operationally use track along Amtrak's Northeast Rail Corridor system. Amtrak is one of the eight (8) Class I railroads in the United States. The other railroads likely to be operationally affected by this Order are the Massachusetts Bay Transportation Authority (MBTA), Southeast Pennsylvania Transportation Authority (SEPTA), New Jersey Transit (NJT), and Maryland Area Regional Commuter (MARC) Train Service. None of these railroads are small entities. Thus, FRA firmly asserts that the proposed collection of information will not have a significant impact on a substantial number of small entities.

6. Impact of less frequent collection of information.

If this information were not collected, rail safety along the highly traveled Northeast Corridor (NEC) of the United States might be at continued risk for another overspeed derailment like the one that occurred on May 12, 2015, at Frankford Junction in Philadelphia, Pennsylvania. Specifically, without the required survey by Amtrak of its main line track system along the NEC to identify each main track curve where there is reduction of more than 20 mph from the maximum authorized approach speed to that curve and completion of the required list and submission of the list to FRA, Amtrak would not know the critical locations where the highest risk for similar accidents like the one on May 12 are and would not be able to alert its engineers and conductors of these locations and the necessary procedures that they must follow to ensure Safety. With the completion and submission of this list to FRA, FRA would not know these locations either and would not be able to target its inspection and compliance activities to ensure that rail safety is maintained.

Without the EO 31 required Amtrak action plan submission to FRA, FRA would not be assured that Amtrak identifies appropriate modifications to its existing Automatic Train Control (ATC) System or other signal systems to enable warning and enforcement of applicable passenger train speeds at the identified curves. If such coding changes will interfere with efficient passenger train service or the timely implementation of PTC,

Amtrak's plan must describe why such changes are not feasible and may describe alternative operating procedures that it will adopt at the identified curves to ensure compliance with applicable speed reductions. The required action plan must contain milestones and target dates for implementing each identified modification to Amtrak's existing ATC System or other signal systems (or alternative operational changes) to enable warning and enforcement of passenger train speeds at the identified curves. The May 12 accident demonstrated the severe consequences of an overspeed derailment that included the loss of eight lives, 200 injuries, and high speed train service along the NEC being shut down for six days. Once FRA approves its action plan, Amtrak must make all identified modifications to the existing ATC System or other signal systems (or alternative operational changes) in the timeframes and manner that complies with all conditions FRA places on its approval of Amtrak's action plan.

Without the requirement of additional wayside signs along the NEC that conforms with Amtrak's submitted and FRA approved action plan, engineers and conductors would be deprived of additional and essential information related to the speed and geography of the track that their trains operate on. Information posted at curve locations where speed reductions implicated by EO 31 is essential for engineers and conductors to avoid an overspeed derailment like the one that occurred on May 12. These signs serve as an alert and reminder to reduce speed and follow posted restrictions. Without the action plan wayside sign locations, FRA would be unable direct its track inspectors to the correct and critical locations to enforce compliance with this important provision of the EO.

Finally, without this collection of information, railroads would have no way to seek relief from the requirements of EO 31. In particular, they would be unable to articulate their case of an alternative action(s) that they could take that would provide at least an equivalent level of safety to that provided by this Emergency Order. The business operations of some railroads using the NEC might necessitate their implementing measures other than the required train speed restrictions to keep customers and maintain a profitable enterprise. For these railroads, this provision of the proposed collection of information provides them an opportunity to meet the safety requirements of EO 31 in the most feasible way for them. FRA will carefully scrutinize each petition for special approval to determine whether Amtrak/any other railroad using the NEC has made a clearly articulated and convincing argument regarding a proposed alternative action(s) it is willing to take to obtain relief from this Order. As long as a level of safety equivalent to this EO can be provided, FRA's Associate Administrator for Safety/Chief Safety Officer will grant relief for such petitions.

In sum, this collection of information assists FRA in its primary mission of promoting and enhancing fast, reliable, and efficient rail transportation while protecting lives and property along the popular and heavily traveled Northeast Rail Corridor of the United States.

7. **Special circumstances.**

All other information collection requirements relating to EO 30 are in compliance with this section.

8. Compliance with 5 CFR 1320.8.

In accordance with the Paperwork Reduction Act of 1995 and 5 CFR 1320 (§1320.13), FRA is publishing a notice in the **Federal Register** on May 28, 2015, (see 80 FR 30536) requesting Emergency Clearance processing of the proposed collection of information associated with FRA Emergency Order (EO) 31, parts of which takes effect immediately upon issuance and which is being published in the Federal Register on May 28, 2015. See 80 FR 30534. Under the circumstances cited in the Summary on page 1 one of this Supporting Justification, FRA cannot reasonably comply with the normal clearance procedures specified in 5 CFR 1320 (regarding the two Federal Register Notices and normal Clearance time frames) because the collection of information is reasonably likely to be disrupted if normal clearance procedures are followed. Additionally, rail safety is an issue. Consequently, FRA asks OMB to waive normal clearance procedures.

In light of the May 12 overspeed train derailment at Frankford Junction in Philadelphia, Pennsylvania, FRA has determined that public safety compels the issuance of EO 31. FRA is issuing this emergency order (EO or Order) to require that the National Railroad Passenger Corporation (Amtrak) take actions to control passenger train speed at certain locations on main line track in the Northeast Corridor (as defined by 49 U.S.C. 24905(c) (1)(A)). Amtrak must immediately implement code changes to its Automatic Train Control (ATC) System to enforce the passenger train speed limit ahead of the curve at Frankford Junction in Philadelphia, Pennsylvania where a fatal accident occurred on May 12, 2015. Amtrak must also identify all other curves on the Northeast Corridor where there is a significant reduction (more than 20 miles per hour (mph)) from the maximum authorized approach speed to those curves for passenger trains. Amtrak must then develop and comply with an FRA-approved action plan to modify its existing ATC System or other signal systems (or take alternative operational actions) to enable enforcement of passenger train speeds at the identified curves. Amtrak must also install additional wayside passenger train speed limit signage at appropriate locations on its Northeast Corridor right-of-way.

9. Payments or gifts to respondents.

There are no monetary payments or gifts made to respondents regarding the proposed information collection requirements resulting from this emergency order.

10. Assurance of confidentiality.

No assurances of confidentiality were made by the Federal Railroad Administration (FRA).

Information collected is not of a private nature.

11. Justification for any questions of a sensitive nature.

There are no questions of a sensitive or private nature involving the proposed collection of information associated with EO 30.

12. Estimate of burden hours for information collected.

Note: This Emergency Order and its associated information collection apply only to the National Railroad Passenger Corporation (Amtrak). Other railroads that operate along track on the Northeast Rail Corridor (NEC) of the United States will have to observe the speed signs posted by Amtrak. These other railroads likely include MBTA, NJT, SEPTA, and Marc.

FRA Emergency Order No. 31, Notice No. 1

Finding and Order

FRA recognizes that passenger rail transportation is generally extremely safe. However, FRA finds that the recent May 12, 2015, accident on Amtrak, and the lack of overspeed protections in place at certain locations on Amtrak's system, create an emergency situation involving a hazard of death, personal injury, or significant harm to the environment. Accordingly, under the authority of 49 U.S.C. 20104, delegated to the FRA Administrator by the Secretary of Transportation, 49 CFR 1.89, it is hereby ordered:

1. Amtrak must immediately implement code changes to its ATC or other signal systems near the Frankford Junction curve in Philadelphia, Pennsylvania, where the fatal May 12, 2015 accident occurred. The changes must enforce the passenger train speed limit of 50 mph for northbound (timetable east) trains approaching that curve, and must be completed by May 18, 2015.
2. Amtrak must survey its main line track system located on the Northeast Corridor (as defined by 49 U.S.C. 24905(c)(1)(A)) and identify each main track curve where there is a reduction of more than 20 mph from the maximum authorized approach speed to that curve for passenger trains, and provide a list of each location to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer (Associate Administrator) within 5 days of the date of this Order. For purposes of compliance with this Order, the speed reductions of more than 20 mph that existed on the date of the issuance of this Order apply.

Since this Order applies solely to Amtrak, one (1) list will be created. FRA estimates that it will take approximately four working days or 32 hours for Amtrak to survey its Northeast Corridor main line track system, identify each main track curve where there is a reduction of more than 20 mph from the maximum authorized approach speed to that curve for passenger trains, and provide the required list of each location to FRA under the above requirement. Total annual burden for this requirement is 32 hours.

Respondent Universe:	Amtrak
Burden time per response:	32 hours
Frequency of Response:	One-time
Annual number of Responses:	1 list
Annual Burden:	32 hours

Calculation: 1 list x 32 hrs. = 32 hours

3. After identifying the curves above, Amtrak shall develop and submit to FRA for approval an action plan that accomplishes each of the following:

a. Identifies appropriate modifications to Amtrak’s existing ATC System or other signal systems that Amtrak will make to enable warning and enforcement of applicable passenger train speeds at the identified curves. If such coding changes will interfere with efficient passenger train service or the timely implementation of PTC, Amtrak’s plan must describe why such changes are not feasible and may describe alternative operating procedures that it will adopt at the identified curves to ensure compliance with applicable speed reductions; and

b. Contains milestones and target dates for implementing each identified modification to Amtrak’s existing ATC System or other signal systems (or alternative operational changes) to enable warning and enforcement of passenger train speeds at the identified curves.

4. Amtrak must submit the action plan to the Associate Administrator within 20 days of the date of this Order. FRA will review and approve, approve with conditions, or disapprove Amtrak’s action plan within 15 days of the plan’s submission to FRA. Once FRA approves its action plan, Amtrak must make all identified modifications to the existing ATC System or other signal systems (or alternative operational changes) in the timeframes and manner that complies with all conditions FRA places on its approval of Amtrak’s action plan.

One action plan will be created and submitted to FRA under the above requirements. FRA estimates that it will take approximately 10 working days or 80 hours for Amtrak to complete the required action plan identifying appropriate modifications to its existing ATC System or other signal systems (or alternative operational changes) with milestones and implementation target dates. Total annual burden for this requirement is 80 hours.

Respondent Universe:	Amtrak
Burden time per response:	80 hours
Frequency of Response:	One-time
Annual number of Responses:	1 action plan
Annual Burden:	80 hours

Calculation: 1 action plan x 80 hrs. = 80 hours

5. As soon as possible, but not later than 30 days after the date of this Order, Amtrak must begin to install additional wayside signage alerting engineers and conductors of the maximum authorized speed throughout its Northeast Corridor system, with particular emphasis on additional signage at the curve locations where speed reductions implicated by this Order occur. Amtrak must identify the locations where it intends to install the additional wayside speed limit signs in the action plan submitted under paragraphs 3 and 4 above, and must notify the Associate Administrator upon the completion of the installation of those signs.

FRA estimates that there are approximately 31 curves along the Northeast Corridor (NEC) that will need a total of six wayside signs each (one sign for the approach speed limit; one sign for the speed limit; and one sign for the resume speed, and these signs will be placed in both directions of train travel). Thus, a total of 186 wayside signs in conformity with its action plan will be completed and posted along the NEC alerting engineers and conductors of the maximum authorized speed by Amtrak under the above requirement. It is estimated that it will take approximately six working days (5 locations a day) or a total of 48 hours to post the required signs at the designated locations (breaks down to 15.4839 minutes per sign). Total annual burden for this requirement is 48 hours.

Respondent Universe:	Amtrak
Burden time per response:	15.4839 minutes per sign
Frequency of Response:	One-time
Annual number of Responses:	186 NEC wayside signs
Annual Burden:	48 hours

Calculation: 186 NEC wayside signs x 15.4839 min. p/sign = 48 hours

Additionally, FRA estimates that there are approximately six (6) notices will be completed by Amtrak informing FRA that it has completed installation of the required signage at the locations designated in its action plan. It is estimated that it will take approximately 15 minutes to complete each notice. Total annual burden for this requirement is two (2) hours.

Respondent Universe:	Amtrak
Burden time per response:	15 minutes
Frequency of Response:	One-time

Annual number of Responses: 6 notices
 Annual Burden: 2 hours

Calculation: 6 notices x 15 min. = 2 hours

RELIEF: Amtrak, or any other passenger railroads affected by this Order, may petition for special approval to take actions not in accordance with this EO. Petitions must be submitted to the Associate Administrator, who is authorized to act on those requests without amending this EO. In reviewing any petition for special review, the Associate Administrator shall grant petitions only if Amtrak has clearly articulated an alternative action that will provide, in the Associate Administrator’s judgment, at least a level of safety equivalent to that provided by compliance with this EO.

FRA estimates that approximately one (1) petition for special approval will be submitted by Amtrak under the above provision. It is estimated that it will take approximately 10 working days or 80 hours to gather the necessary information, compose the petition letter, and send the petition request to FRA. Total annual burden for this requirement is 80 hours.

	Respondent Universe:
	Amtrak/other
	railroads
Burden time per response:	80 hours
Frequency of Response:	One-time
Annual number of Responses:	1 special approval petition requests
Annual Burden:	80 hours

Calculation: 1 special approval petition requests x 80 hrs. = 80 hours

Total annual burden for this entire information collection is 242 hours.

13. Estimate of total annual costs to respondents.

There is a cost to Amtrak related to this collection of information besides the burden hours detailed in the answer to question number 12 above. That cost involves the manufacture and placement of the estimated 186 wayside signs detailed above.

In its Electronic Notification System (ENS) Final Rule paperwork package, FRA estimated the general cost per sign to be \$15.

COST

186 wayside signs x \$15 = **\$2,790**

In addition to material costs for signage, there are labor costs associated with the signage installations. As noted above in the answer to question number 12, FRA estimates for each wayside sign, the industry would expend 15 minutes in labor resources to install it (a total of 48 hours) . FRA finds that the signage labor cost to be **\$2,976**. [**Calculation** = 186 wayside signs x 15.4839 min. per sign x \$62.07 hourly rate for maintenance of way and structures employees x 75% overhead costs = **\$2,976**].

FRA acknowledges that in addition to purchasing the actual signage, Amtrak will also need to purchase a post to satisfy the wayside sign requirement. FRA estimates that Amtrak will need to supply a separate post to adequately comply with this requirement. Therefore, approximately 186 posts will be required along the NEC. Assuming a post cost estimate^c of \$25, FRA estimates a total cost of **\$4,650**. [**Calculation** = 186 sign posts x \$25 = **\$4,650**]

TOTAL COST = \$10,416

14. Estimate of Cost to Federal Government.

There is no additional or extra cost to the Federal Government since FRA employees will be performing their routine duties to ensure compliance with the provisions of this Emergency Order.

15. Explanation of program changes and adjustments.

These are new information collection requirements. By definition, this entire submission is a **program change**. As stated in the Summary provided on page 1 of this document, the total number of hours that FRA is requesting by OMB for this Emergency Processing submission for the information collection associated with EO 31 is **242 hours** and the total number of **responses** requested is **195**.

Further, as noted in the Summary on page 1, upon OMB's Emergency Clearance for 180 days, FRA will initiate necessary steps to obtain regular Clearance of this proposed information collection.

As noted in the answer to question number 13 above, there are costs to Amtrak related to the wayside signage requirement. This cost totals **\$10,416**. This too, by definitions, is a **program change**.

16. Publication of results of data collection.

^c Cost estimate for 10 foot, 2 lb per foot, U-channel galvanized steel post from Traffic and Parking Control Co., Inc., 5100 W. Brown Deer Road, Brown Deer, WI 53223. Price found online at: <http://www.tapcostore.com/U-Channel-p/54-23.htm>

FRA does not have any plans to publish the results of this collection of information.

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.

This information collection supports the top DOT strategic goal, namely transportation safety. Without this Emergency Order and associated information collection, rail safety along the highly traveled Northeast Corridor (NEC) of the United States might be at continued risk for another overspeed derailment like the one that occurred on May 12, 2015, at Frankford Junction in Philadelphia, Pennsylvania. Specifically, without the required survey by Amtrak of its main line track system along the NEC to identify each main track curve where there is reduction of more than 20 mph from the maximum authorized approach speed to that curve and completion of the required list and submission of the list to FRA, Amtrak would not know the critical locations where the highest risk for similar accidents like the one on May 12 are and would not be able to alert its engineers and conductors of these locations and the necessary procedures that they must follow to ensure Safety. With the completion and submission of this list to FRA, FRA would not know these locations either and would not be able to target its inspection and compliance activities to ensure that rail safety is maintained.

Without the EO 31 required Amtrak action plan submission to FRA, FRA would not be assured that Amtrak identifies appropriate modifications to its existing Automatic Train Control (ATC) System or other signal systems to enable warning and enforcement of applicable passenger train speeds at the identified curves. If such coding changes will interfere with efficient passenger train service or the timely implementation of PTC, Amtrak's plan must describe why such changes are not feasible and may describe alternative operating procedures that it will adopt at the identified curves to ensure compliance with applicable speed reductions. The required action plan must contain milestones and target dates for implementing each identified modification to Amtrak's existing ATC System or other signal systems (or alternative operational changes) to enable warning and enforcement of passenger train speeds at the identified curves. The May 12 accident demonstrated the severe consequences of an overspeed derailment that included the loss of eight lives, 200 injuries, and high speed train service along the NEC being shut down for six days. Once FRA approves its action plan, Amtrak must make all identified modifications to the existing ATC System or other signal systems (or alternative operational changes) in the timeframes and manner that complies with all conditions FRA places on its approval of Amtrak's action plan.

Without the requirement of additional wayside signs along the NEC that conforms with Amtrak's submitted and FRA approved action plan, engineers and conductors would be deprived of additional and essential information related to the speed and geography of the track that their trains operate on. Information posted at curve locations where speed reductions implicated by EO 31 is essential for engineers and conductors to avoid an overspeed derailment like the one that occurred on May 12. These signs serve as an alert and reminder to reduce speed and follow posted restrictions. Without the action plan wayside sign locations, FRA would be unable direct its track inspectors to the correct and critical locations to enforce compliance with this important provision of the EO. Finally, without this collection of information, railroads would have no way to seek relief

from the requirements of EO 31. In particular, they would be unable to articulate their case of an alternative action(s) that they could take that would provide at least an equivalent level of safety to that provided by this Emergency Order. The business operations of some railroads using the NEC might necessitate their implementing measures other than the required train speed restrictions to keep customers and maintain a profitable enterprise. For these railroads, this provision of the proposed collection of information provides them an opportunity to meet the safety requirements of EO 31 in the most feasible way for them. FRA will carefully scrutinize each petition for special approval to determine whether Amtrak/any other railroad using the NEC has made a clearly articulated and convincing argument regarding a proposed alternative action(s) it is willing to take to obtain relief from this Order. As long as a level of safety equivalent to this EO can be provided, FRA's Associate Administrator for Safety/Chief Safety Officer will grant relief for such petitions.

In sum, this collection of information assists FRA in its primary mission of promoting and enhancing fast, reliable, and efficient rail transportation while protecting lives and property along the popular and heavily traveled Northeast Rail Corridor of the United States.

In this information collection and indeed in its other information collection activities, FRA seeks to do its utmost to fulfill DOT Strategic Goals and to be an integral part of One DOT.