

SUPPORTING JUSTIFICATION – Part A
Positive Train Control (PTC) Implementation Status Update Questionnaire
OMB No. 2130-0612; Form Number FRA F 6180.162

Summary of Submission

- This submission is a **request** for an extension with change under **Regular** Processing for the collection of information associated with the FRA’s PTC Implementation Status Update Questionnaire, which was previously approved under OMB **Emergency** Processing for 180 days on **July 24, 2015**, and which currently expires on **January 31, 2016**.
- FRA published the required 60-day Notice in the **Federal Register** on August 5, 2015. See 80 FR 46644. FRA received one comment in response to this Notice.
- The total number of **burden hours requested** for this submission is **228 hours**.
- The total number of burden hours **previously approved** for this submission is **76 hours**.
- **Adjustments** then increased the total burden by **152 hours**.
- The total number of **burden responses requested** for this submission is **456**.
- The total number of **burden responses previously approved** for this submission is **456**.
- There are no **program changes** at this time.
- ****The answer to question number 12 itemizes the hourly burden associated with the survey form associated with this proposed collection of information (See p. 8).**

1. Circumstances that make collection of the information necessary.

Background

As a consequence of the number and severity of certain very public accidents, coupled with a series of other less publicized accidents, Congress passed the Rail Safety Improvement Act (RSIA) of 2008. President Bush signed Railroad Safety Improvement Act (RSIA) into law on October 16, 2008, mandating Positive Train Control (PTC) system implementation by December 31, 2015. Specifically, Section 104 of the Rail Safety Improvement Act of 2008, Pub. L. 110-432, 122 Stat. 4854, (Oct. 16, 2008) (codified at 49 U.S.C. 20157) (hereinafter “RSIA”) must be done by each Class I railroad

carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation on:

(A) its main line over which intercity rail passenger transportation or commuter rail passenger transportation, as defined in section 24102, is regularly provided; (B) its main line over which PIH or TIH hazardous materials, as defined in parts 171.8, 173.115, and 173.132 of title 49, Code of Federal Regulations, are transported; and (C) such other tracks as the Secretary may prescribe by regulation or order. 9 U.S.C. § 20157(a)(1). The statute further defined “main line” to mean: a segment or route of railroad tracks over which 5,000,000 or more gross tons of railroad traffic is transported annually, except that — (A) the Secretary may, through regulations under subsection (g), designate additional tracks as main line as appropriate for this section; and (B) for intercity rail passenger transportation or commuter rail passenger transportation routes or segments over which limited or no freight railroad operations occur, the Secretary shall define the term “main line” by regulation. 49 U.S.C. § 20157(i)(2). To effectuate this goal, RSIA required the railroads to submit for FRA approval a PTC Implementation Plan (PTCIP) within 18 months (i.e., by April 16, 2010).

Under the recently passed Positive Train Control Enforcement and Implementation Act of 2015 (PTCEI) (P.L. 114-73; Dec. 4, 2015), Congress extended the statutory deadline for Positive Train Control (PTC) system implementation by railroads to December 31, 2018.

So that Congress and FRA may better understand the status of each railroad’s implementation efforts and assist them wherever possible in completing implementation, FRA seeks to continue to collect information with the currently approved PTC Questionnaire, in the form of monthly periodic updates, under its investigative authority pursuant to 49 USC §§ 20103, 20107, and 20902 and pursuant to 49 CFR § 236.1009(h). The railroads’ responses will help inform FRA of the ongoing PTC implementation status across all affected railroads and identify any issues contributing or causing delay towards full PTC implementation by the new deadline.

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

This is a request for an extension with change under **Regular** processing procedures for an information collection previously approved for 180 days under **Emergency** processing procedures back in July of this year. The purpose of the data collection is to receive status updates on PTC implementation within the railroad industry on a continuous basis in order to ensure compliance by affected railroads with the PTC Congressional statutory and FRA regulatory mandates that take effect at the end of the 2015 calendar year. Specifically, the collection of information provides – and will continue to provide – FRA with current monthly data for each of the 38 affected railroads on the following: (1) total number of fully mission capable PTC equipped locomotives required to be implemented under the regulation ; (2) actual current number of fully mission capable PTC equipped locomotives completely implemented under the regulation; (3) total number of fully mission capable PTC equipped track segments required to be implemented under the regulation; (4) actual current number of fully mission capable PTC equipped track segments completely implemented under the regulation; (5) total number of personnel

required under the regulation to be trained on PTC systems operations and regulations; (6) actual total current number of personnel who have completed training on PTC systems operations and regulations; (7) whether affected railroads have the necessary spectrum required to fully implement its PTC system under the regulation; (8) total number of communication towers to support PTC system communications required for PTC implementation; (9) current actual number of constructed and operational communication towers available to support PTC implementation under the regulations; (10) whether all tenant railroads have full interoperability with the PTC system of those railroads that are host railroads; (11) whether each tenant railroad is fully interoperable with each host railroad's PTC system under the regulation; and (12) the date a PTC Safety Plan (PSP) has been or will be submitted to FRA.

Primary users of this ongoing information are FRA headquarters personnel throughout the Office of Safety, including, but not limited to, the Positive Train Control (PTC) Division, as well as regional personnel in charge of monitoring and enforcement. This information provides – and will continue to provide – critical information to determine each of the affected 38 railroads progress in implementing PTC and provides invaluable insight into their implementation difficulties/problems and into how FRA can best assist them to achieve timely implementation.

A second set of users within FRA are officials and staff with the Office of Railroad Policy and Development (RPD) who have access to the data to help inform decisions relating to their grants program and how to best obligate taxpayer funds.

Finally, the information to be collected is used by members of Congress to assess compliance with the statute that they passed in 2008 and any potential needed adjustments or amendments to that statute.

3. Extent of automated information collection.

All of the data to be collected under the census questionnaire are obtained via the agency Website. The data must be updated by each railroad affected by PTC on a monthly basis so that FRA can gauge each railroad's progress regarding implementation. FRA has purposely kept the number of questions and the scope of each question to a minimum in order to reduce the burden on railroads responding to the data collection effort.

Since the PTC census questionnaire is completed on line via a Website, 100 percent of responses are submitted electronically.

4.
5. Efforts to identify duplication.

The collection of information pertains to the status of PTC implementation, which is to be carried out by affected railroads nationwide. Therefore, it is the first time that it is possible and that such data related to the progress of PTC implementation across the

railroad industry are actually being collected. Consequently, this information is unique. Similar data are unavailable from any other source.

6. Efforts to minimize the burden on small businesses.

According to the PTC Implementation Questionnaire point of contact, there are zero small entities that will be affected by this information collection. Consequently, there is no burden to small businesses. Moreover, to reduce burden on medium and large size railroads, the number of questions has been deliberately kept small and takes a minimal amount of time to initially answer and then update each month. Thus, FRA asserts that this census questionnaire will not have a significant impact on a substantial number of small entities.

It should be noted that right now FRA is focused on the larger railroads that need to meet the December 31, 2015, implementation deadline. These railroads will be required to report monthly. For the regional and commuter railroads, their statutory and regulatory deadline is 2020. These railroads will not now be reporting at all. Further, these railroads may not be reporting monthly based on their progress in implementing PTC. FRA will determine their frequency of reporting at a later date in light of future developments. The estimated 38 railroads is a variable number. It will go up or down based on changes regarding railroads/State agencies plans to implement PTC and based on agreements between host and tenant railroads.

7. Impact of less frequent collection of information.

If this information were not collected, it is highly likely that both the statutory and new regulatory **December 31, 2018**, deadline for PTC implementation will be missed by almost all of the 38 affected railroads and even further delays will ensue. As a consequence, railroad safety throughout the country will be considerably negatively impacted with additional accidents/incidents, most notably derailments, almost certain to occur and bring with them more train crew and passengers injuries and fatalities as well as property damage and possible environmental harm.

The recent overspeed derailment at Frankford Junction outside Philadelphia highlighted the dramatic difference that Positive Train Control can make in averting rail disasters. On Tuesday, May 12, 2015, Amtrak passenger train 188 (Train 188) was traveling timetable east (northbound) from Washington, DC, to New York City. Aboard the train were five Amtrak crew members, three Amtrak employees, and 250 passengers. Train 188 consisted of a locomotive in the lead and seven (7) passenger cars trailing. Shortly after 9:20 p.m., the train derailed while traveling through a curve at Frankford Junction in Philadelphia, Pennsylvania. As a result of the accident, eight persons were killed, and more than 200 passengers were seriously injured. In the initial comments on its accident investigation, the National Transportation Safety Board (NTSB) noted that Positive Train

Control (PTC) technology would probably have prevented this accident. The NTSB has strongly recommended PTC implementation for several years now to prevent human and mechanical causes of collisions and derailments. While this collection of information would not prevent accidents, it would enable FRA to have information about railroad compliance with the PTC statutory and regulatory mandates and help facilitate the implementation process. Without doubt, faster railroad implementation will prevent accidents/incidents such as the one that occurred at Frankford Junction and thus enhance overall rail safety and save lives.

FRA has considered the use of less frequent data collection periods and determined less frequent data collection would not be appropriate. FRA feels that collecting the data on a monthly basis provides a dense data set in terms of time and would be more beneficial for extrapolation to spot inconsistencies or troubling trends. To counteract this requirement for monthly updates, FRA has intentionally kept the number of questions to a minimum. The burden on railroads to complete a monthly questionnaire is extremely small. FRA required much more detailed information under the information collection associated with the Part 236 regulation (approved under **OMB No. 2130-0553**). Events have overtaken the information required in that collection, and the monthly questionnaire has been designed to provide continuous, accurate, and necessary information regarding railroad's PTC progress while maintaining a small number of questions and being placed on the agency Website for conveniently easy completion. If FRA is able to confirm a railroad's full compliance with the PTC requirement, then that railroad will no longer need to report a completed questionnaire.

The collection of information is aimed at determining the implementation status of PTC nationwide and facilitating railroads execution of it to meet the **December 31, 2015**, in any way possible. The new technology of Positive Train Control is designed to prevent the human and mechanical errors that have caused or contributed to various recent train collisions and train derailments that have had such a dramatically high cost in terms of human lives lost and serious injuries incurred by scores of passengers and train crews, damage to the daily operations of passenger and freight railroads, high monetary losses for shippers and lost product for oil companies and consumers, and substantial harm to the environment and surrounding communities. Further, the PTC questionnaire provides a specific tally of each railroad's PTC implementation progress for compliance as well as monitoring purposes.

In sum, this collection of information is essential to and aids both DOT and FRA in their critical primary mission of promoting and enhancing ground transportation/rail safety throughout the country for the safe, reliable, and efficient movement of people and goods now and in the future.

7. **Special circumstances.**

The PTC Questionnaire survey is completed monthly because of the looming statutory and regulatory **December 31, 2015**, implementation deadline. To carry out its responsibilities, it is essential that FRA have an accurate and ongoing status report of where the 38 affected railroads are each month as they progress toward full PTC implementation.

All other information collection requirements relating to the PTC census questionnaire are in compliance with this section.

8. **Compliance with 5 CFR 1320.8.**

As required by the Paperwork Reduction Act of 1995, FRA published the necessary 60-day Notice in the **Federal Register** soliciting comment from the public and interested parties regarding this information collection on August 5, 2015. See 80 FR 46644. FRA received one comment in response to this Notice.

The Association of American Railroads (AAR) submitted a comment on October 5, 2015, on behalf of its member railroads and itself. In its letter, AAR recommended four changes to the PTC Implementation Status Update Questionnaire.

First, AAR recommended that FRA adjust its estimate of the amount of time required to fill out each PTC Questionnaire/form (Form FRA F 6180.162).

Second, AAR/its members recommended that FRA “clarify the second survey question,” which relates to the “current number of full mission capable PTC equipped locomotives completely implemented under the regulation.” In particular, “the railroads recommend that FRA specify that this question pertains to the locomotives which have been fully equipped with PTC hardware.”

Third, AAR/its members recommended that “FRA clarify the fourth survey question,” which relates to the “. . . current number of fully mission capable PTC equipped track segments completely implemented under the regulations. The railroads recommend that FRA refer to track miles instead of the unclear reference to ‘track segment.’”

Last, AAR stated “the railroads request that FRA ensure[s] that the comment box for the fourteenth question be large enough to accept substantial comments regarding the status of each individual railroad’s PTC implementation status.”

Regarding AAR’s first recommendation, FRA based its estimate on the average amount of time that it would take all railroads – Class Is, Class IIs, Class IIIs, and passenger railroads – to complete the questionnaire each month on an ongoing basis. FRA realizes that it might initially take some railroads longer than its estimated average amount of

time to complete the questionnaire. However, FRA does not agree with AAR's comment that it will take all affected railroads an average of three (3) hours each month to complete the questionnaire. FRA believes that 30 minutes is a more accurate estimate of the average amount of time that it will take railroads to complete the questionnaire on a recurring monthly basis. Accordingly, FRA is modifying its estimate to reflect this higher number.

Regarding AAR's second recommendation relating to the second survey question, FRA is modifying footnote number 2 of the Questionnaire to make clear that this question pertains to locomotives fully equipped with PTC hardware and software.

Regarding AAR's third recommendation, FRA is taking a flexible approach and is modifying footnote number 3 of the Questionnaire to state that railroads use a consistent, uniform unit of measurement that is consistent for the fourth survey question. Thus, track miles would be fine as a uniform unit of measurement.

Last, regarding AAR's recommendation about enlarging the comment box for the fourteenth question, FRA is expanding the comment box to the maximum number of characters permitted on the electronic version of the Questionnaire/form.

9. Payments or gifts to respondents.

There are no monetary payments provided or gifts made to respondents associated with this proposed collection of information.

10. Assurance of confidentiality.

There is no law that protects the confidentiality of the information to be reported by respondents. However, FRA will protect information reported under the Privacy Act of 1974. Information obtained or acquired by FRA in this census survey will be used exclusively for statistical purposes or, in this case, to compile data to gain a level of understanding of the status of affected railroads PTC implementation efforts. Under 49 CFR 209.11 and 236.1009(e)(3), FRA simply considers this a request for confidentiality. However, if another party seeks such information under section 209.11 (which invokes FOIA), FRA will perform a review to determine whether it should be disclosed. Until such time, FRA will honor each railroad's request for confidentiality, especially if it is sought judiciously and provides a justification for confidentiality (e.g., trade secret). If the information, however, is somehow used/changed to reduce or eliminate its connection to a single source (e.g., aggregating numbers across all railroads to develop a national or regional total), it is likely no longer protected as confidential.

11. Justification for any questions of a sensitive nature.

FRA is seeking information, with periodic updates, under its investigative authority pursuant to 49 USC §§ 20103, 20107, and 20902, and 49 CFR § 236.1009(h). The information sought relates primarily to PTC implementation compliance and is authorized by statute and regulation. Thus, there are no questions of personal or sensitive nature.

12. Estimate of burden hours for information collected.

Craft/Position	Total Annual Burden Hours	Total Compensation/Hour	Total Yearly Cost
Railroad Data Manager	114	\$150	\$17,100
Railroad Data Analysts	114	\$110	\$12,540
	228	Yearly Total	\$29,640

Category	Class I/Large Passenger Railroads	Class II/Medium Passenger Railroads	Class III/Terminal/Small Passenger Railroads
Initial Burden	180 mins	120 mins	60 mins
Monthly Burden	60 mins	15 mins	5 mins
Number of Respondents	11	11	18
Total Yearly Burden	9240 mins	3135 mins	1955 mins
Average Industry Burden			29.85 mins

**In keeping with its response to AAR’s time estimate comment noted in the answer to question number 8 above, FRA now estimates that it will take an average of 30 minutes for railroads to complete the questionnaire. This estimate includes the time to review instructions, search data sources, gather and maintain the information needed and complete, review, and transmit the questionnaire to FRA. This 30 minute is based on the static and recurring nature of the PTC questionnaire and is an average over time. Initially, it might take some railroads more than 30 minutes to complete the questionnaire. Later on and with ever increasing familiarity with the unchanging questionnaire, it will take railroads less time to complete. So, an average of 30 minutes encompasses both initial months and later months completing the questionnaire.

***Note: The annual burden hours assumes 30 minutes per census questionnaire per railroad split evenly between a manager and data analyst. Given that there are 38 railroads being required to complete the questionnaire and that data will be updated monthly, this results in 456 questionnaires per year, which results in an annual burden of 13,680 minutes or 228 hours. In addition, sample size considerations are not applicable to this census survey as the entire population of railroads currently affected by the PTC regulation is required to complete the census. It is assumed that one manager and one data analyst will be responsible for responding to the questionnaire per railroad.

13. Estimate of total annual costs to respondents.

There will be *no additional cost* burden to respondents beyond the burden listed in the answer to question number 12 and those customary and usual expenses associated with normal daily business operations. There will be no need for respondents to keep any records associated with this data collection effort.

14. Estimate of Cost to Federal Government.

Resources	Hours	\$ Fully Loaded per Hour	Total
FRA Supervisor	52	\$120	\$6,240
FRA Data Analyst	520	\$100	\$52,000
IT Contractor			\$5,000
Total Annual Cost			\$63,240

* Contractor to develop census questions and on line resource for hosting the census questionnaire. Included in contractor costs are the costs for on-line web hosting of the survey.

As this is an electronic data collection effort, beyond the labor costs summarized in the table above, there are no additional equipment, printing, or support staff costs. The labor costs summarized in the table include overhead expenses. The labor hours are based on actual hours spent for similar data collection efforts.

15. Explanation of program changes and adjustments.

The burden has increased by **152 hours** from the previously approved submission. The increase in burden is due solely to one **adjustment**, which is listed in the table below:

TABLE FOR ADJUSTMENT(S)

Item/Form No.	Responses & Avg. Time (Previous Submission)	Responses & Avg. Time (This Submission)	Burden Hours (Previous Submission)	FRA Burden Hours (This Submission)	Difference (plus/minus)

PTC Implementation Status Update Questionnaire (Form FRA F6180.162)	456 Surveys/ Questionnaires 10 minutes	456 Surveys/ Questionnaires 30 minutes	76 hours	228 hours	+ 152 hours 0 responses
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Total **adjustment(s)** above increased the burden by **152 hours**. There is **no change** in the number of **responses**.

The current OMB inventory displays a total burden of *76 hours*, while the present submission exhibits a burden total of *228 hours*. Hence, there is an increase in burden of **152 hours**.

There is **no change** in burden **costs** to respondents.

16. Publication of results of data collection.

The main purpose of the data collection is for the regulating agency (FRA) to know of the status of PTC implementation and to be able to monitor affected railroads progress on an ongoing monthly basis. The data being collected are not meant for public dissemination and, as such, the individual railroad data will not be published in an official FRA / DOT report. Given the Congress’s request to receive information regarding the railroad industry’s PTC implementation status, it is likely that some of this information may be reported at an aggregate level. However, each individual railroad’s data will not be attributable in such a report.

Some of the data may be obtained through the Freedom of Information Act (FOIA). However, the railroads responding to the census Questionnaire may choose to have some or all of their responses flagged as being confidential / proprietary. Any data collected that the respective railroad has indicated is confidential / proprietary will not be subject to a FOIA request.

Data collection is collected – and will be continue to be collected – monthly. The monthly data collection will continue until PTC has been fully implemented across the country by all affected railroads. FRA believes that this complete implementation will likely be achieved by 2020.

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

Once OMB approval is received, the 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, it is highly likely that both the statutory and regulatory **December 31, 2015**, deadline for PTC implementation will be missed by almost all of the 38 affected railroads. As a consequence, railroad safety throughout the country will be considerably negatively impacted with additional accidents/incidents, most notably derailments, almost certain to occur and bring with them more train crew and passengers injuries and fatalities as well as property damage and possible environmental harm and harm to residents of affected local communities.

The recent overspeed derailment at Frankford Junction outside Philadelphia highlighted the dramatic difference that Positive Train Control can make in averting rail disasters. On Tuesday, May 12, 2015, Amtrak passenger train 188 (Train 188) was traveling timetable east (northbound) from Washington, DC, to New York City. Aboard the train were five Amtrak crew members, three Amtrak employees, and 250 passengers. Train 188 consisted of a locomotive in the lead and seven passenger cars trailing. Shortly after 9:20 p.m., the train derailed while traveling through a curve at Frankford Junction in Philadelphia, Pennsylvania. As a result of the accident, eight persons were killed, and more than 200 passengers were seriously injured.

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