

DEPARTMENT OF TRANSPORTATION

FEDERAL TRANSIT ADMINISTRATION

SUPPORTING STATEMENT

Rail Fixed Guideway Systems; State Safety Oversight

OMB Control No. 2132-0558

This is to request the Office of Management and Budget (OMB) to revise the current approval of the OMB Control Number 2132-0558, “Rail Fixed Guideway Systems; State Safety Oversight” information collection request (ICR), which is currently due to expire on February 28, 2017, and extend it for three years. This request to revise the ICR is associated with a final rule issued in response to statutory mandates to strengthen the States’ oversight of the safety of their rail transit systems, and ensure that the States’ regulatory agencies have the necessary enforcement authority and financial and human resources for that purpose (Federal Register Vol. 81 No.51 dated March 16, 2016). A correction to the final rule was published on May 9, 2016 (Federal Register Vol. 81. No. 89) that amended the burden hours incorrectly published in the final rule on March 16, 2016.

**1. Explain the circumstances that make the collection of information necessary.**

**A. Section 5330 State Safety Oversight Program**

Section 5330 of Title 49, United States Code (Section 5330) directed the Federal Transit Administration (FTA) to issue a rule requiring States to oversee the safety and security of Rail Fixed Guideway Systems (RFGS) that are not regulated by the Federal Railroad Administration (FRA). FTA published its Final Rule adopting a new 49 CFR part 659, Rail Fixed Guideway Systems; State Safety Oversight, on December 27, 1995 (60 Fed. Reg. 67034). The safety provisions of the final rule went into effect January 1, 1997, and the security provisions were in effect as of January 1, 1998. On April 29, 2005, FTA published a revised version of the final rule that went into effect on May 1, 2006 (70 Fed. Reg. 22562).

Section 5330 requires each State with an existing or anticipated rail fixed guideway system (RFGS) covered under 49 CFR part 659 to designate a State Safety Oversight Agency (SSOA) to establish standards for rail safety and security practices and procedures to be used by RFGSs within its jurisdiction purview. The SSOA must develop a written program standard that requires each RFGS under its jurisdiction to develop and implement a System Safety Program Plan (SSPP) and System Security Plan for its operations and services. In addition, the SSOA must oversee the execution of these standards, practices, and procedures to ensure compliance with the provisions of 49 CFR part 659.

Section 5330 requires each SSOA to perform the following functions:

- (a) Develop and administer a Program Standard in compliance with 49 CFR part 659.
- (b) Require that each RFGS under its jurisdiction develop an SSPP and System Security Plan. The state oversight agency must review and approve the SSPP, System Security Plan and its compliance with the SSOA's Program Standard.
- (c) Require RFGSs under its jurisdiction to perform internal safety and security reviews of their operations and report findings and proposed corrective actions to the state oversight agency along with a timeline for implementing the corrective actions and the name of the individual or department responsible for their implementation within the RFGS.
- (d) Require RFGSs to perform annual reviews of its SSPPs and System Security Plans, and to submit annual reports detailing program activities. The annual reports must be accompanied by a letter of certification from the RFGS's chief executive certifying the agency's compliance with its SSPP and System Security Plan. The SSOA must also perform its own onsite review of the RFGS's implementation of its SSPP and System Security Plan at least once every three years.
- (e) Require RFGSs to develop, document, and administer a hazard management process meeting the requirements of 49 CFR part 659.
- (f) Require RFGSs to notify the SSOA of accidents meeting the reporting thresholds of 49 CFR part 659 within 2 hours of their occurrence. SSOAs must also investigate, or cause to be investigated, any accident involving a RFGS vehicle or taking place on RFGS controlled property that meets these thresholds.
- (g) Require the development of corrective action plans for (1) results from investigations in which identified causal and contributing factors are determined by the RFGS or state oversight agency as requiring corrective actions and (2) findings from safety and security reviews performed by the SSOA.
- (h) Make annual reports to FTA, certifying their compliance with 49 CFR part 659.

An SSOA is required to submit all program documentation and the RFGS' SSPP and accident investigation procedures to FTA electronically as part of an initial submission requirement to help FTA monitor State compliance with the rule. Further, if any changes are made to these documents, an SSOA must submit modified documents electronically to FTA as part of its annual submission and annual certification. The SSOA must also review and approve, in writing, the RFGS's SSPP, System Security Plan, internal safety and security review reports, accident investigation reports and corrective action plans.

## **B. Section 5329 State Safety Oversight Program**

On July 6, 2012, the President signed into law the Moving Ahead for Progress in the 21st Century Act (MAP-21; Pub. L. 112-141). MAP-21 amended Federal transit law at Chapter 53 of the United States Code, by amending Section 5329 to authorize a new comprehensive Public Transportation Safety Program. As part of this comprehensive program, new Section 5329(e) significantly revises the existing State Safety SSO Program.

Specifically, Section 5329(e) creates a new regulatory role for FTA and the States that responds to known gaps in oversight and safety performance. Accordingly, FTA has issued a new rule at 49 CFR part 674 to implement the new requirements in 49 U.S.C. 5329(e) and replace the existing SSO regulations at 49 CFR part 659. In accordance with Section 20030(e) of MAP-21, three years after the effective date of the final rule issued by the Secretary to carry out Section 5329(e) (i.e., April 15, 2019), Section 5330 will be repealed.

Section 5329(e) imposes requirements that demand more from States and their SSO programs in several ways. For example, the statute requires States to submit their SSO programs to FTA for its approval. In order to gain this approval, the States must assume responsibility for overseeing the safety of their RFGSs, adopt and enforce Federal and relevant State safety laws, determine appropriate staffing levels for their SSOAs, and ensure proper training and certification of their safety oversight personnel. Additionally, the organization designated as an SSOA must be financially and legally independent of the rail transit systems it oversees, i.e., an SSOA cannot be reimbursed for its expenses by the rail transit agencies it oversees, nor can the SSOA be the same organization that operates a RFGS. Moreover, an SSOA may not employ any individual who is also responsible for the administration of rail fixed guideway public transportation systems that are subject to the State's oversight. Furthermore, an SSOA must have investigative and enforcement authority under state law, must audit at least triennially the compliance of the rail transit systems under its oversight, and provide at least annually a status report to FTA, the Governor of the State, and the board of directors of the rail transit system(s).

Section 5329(e) also imposes new responsibilities on FTA under the SSO Program. For example, now FTA must approve each State's SSO program. In approving an SSO Program, FTA must certify whether a State is meeting the statutory requirements. FTA may deny certification to a State that is not meeting the requirements, and FTA can withhold Federal funds until an SSO program can be certified. Moreover, FTA must establish a grant program to help States develop and carry out their SSO functions, and to obtain the necessary training and certification for their SSOA staff. FTA now has additional authority to conduct inspections, investigations, audits, and examinations; test the equipment, facilities, rolling stock, and operations of rail transit systems; make reports and issue advisories and directives with respect to safety; issue subpoenas and take depositions from any employee of a rail transit system who is responsible for safety; require production of documents; and issue regulations for State Safety Oversight through public notice-and-comment.

With the passage of MAP-21, FTA provides financial assistance to eligible States to develop or carry out State Safety Oversight Program activities under Section 5329. The reporting requirements for SSO Program grants are submitted by recipients in two stages—the application and project management stages.

## Application Stage

FTA must determine the applicant's eligibility to receive program funds. FTA must know: a) who the applicant is; b) for what purpose the funds are requested; and c) the amount of federal funds requested or needed. Applicants must submit with its Certifications and Assurances the following:

- a. Authorizing Resolution. This information is necessary to assure FTA that the individuals involved represent the organization seeking federal assistance and are empowered to enter into contracts on the organization's behalf.
- b. Opinion of Counsel. This information is necessary to ensure that the applicant has the legal capacity to carry out the project and that there is no outstanding litigation that would encumber the federal government upon project approval.

In addition, each application must include:

- a. Project Budget. FTA must know how much Federal financial assistance is required, the amount and sources of local funds available for this project, the specific elements and associated costs for each.
- b. Project Description. State Safety Oversight Program Grants are limited to specific eligible activities. The project description enables FTA to determine whether funding of the proposed activity is allowable under federal transit law and the Common Grant Rule.
- c. Project Milestone Schedule. This document consists of milestone dates for major activities and an overall project completion date. Milestone dates are provided for such events as bid advertisement, bid award, and contract completion.

Annual Certifications and Assurances. Before FTA may award a Federal grant, the applicant must provide FTA with all certifications and assurances required by federal laws and regulations for the applicant or project. A grant applicant must sign the appropriate certifications and assurances each year for all anticipated grant applications during that particular fiscal year. A sample certification

## Project Management Stage

The reporting requirements under this stage are necessary to ensure the proper and timely expenditure of Federal funds within the scope of the approved project. The requirements comply with the Common Grant Rule and are contained in FTA Circular 5010.1D, "Grant Management Requirements," and may also be included in sections of the grant contract. These reporting requirements are:

- a. Quarterly Milestone/Progress Reports (MPR). These narrative reports define the level of activity for each project element during the reporting period. Delays, problems, and milestone achievements are reported to FTA. The reports greatly reduce the need for on-site visits by staff.
- b. Cost Allocation Plan. These narrative reports are required of State or local agencies desiring reimbursement for indirect administrative expenses incurred in connection with a capital grant. The Cost Allocation Plan is necessary to properly determine those indirect costs attributable to capital grants.
- c. Quarterly Federal Financial Reports (FFRs). These quantitative reports provide a financial picture of project activity. The reports include information regarding obligations, payments, receipts, and other pertinent financial data required to ensure proper expenditure of federal funds.
- d. Reports of Significant Events. Unforeseen events that impact the schedule, cost, capacity, usefulness or purpose of the project should be reported to FTA immediately after detection and then reflected in the next quarterly progress report.

On, March 16, 2016, FTA published a final rule in the *Federal Register* (Vol. 81 No. 51 - pages 14230-14262) that adds a new part 674 to the Code of Federal Regulations to implement the provisions of 49 U.S.C. 5329(e). On May 9, 2016 a correction to the final rule was published in the *Federal Register* (Vol. 81 No. 89 pages 28031-28032). The corrected notice correctly lists the number of respondents and burden hours as a result of the final rule. The rules at 49 CFR part 659 will be replaced by 49 CFR part 674 three years following the effective date of the final rule (April 15, 2019).

This supporting statement is being updated to reflect the burden of the Section 5329 SSO Program as implemented by the new final rule. The increases in burden under the Section 5329 SSO Program over the 5330 SSO Program result from the general restructuring of the SSO Program where documentation will be required to establish the new regulatory program; conduct new activities for accident investigation, hazard investigation, safety data analysis, and corrective action plan management; and support enhanced training, grants management and reporting to the FTA.

## **2. How, by whom, and for what purpose is the information to be used and the consequences if the information is not collected?**

Collection of information for this program is necessary to ensure that SSOAs can perform their designated safety function and to ensure compliance with the law. Without comprehensive safety information from RFGSs, SSOAs would be unable to monitor safety as directed by 49 U.S.C. Sections 5329(e) and 5330. In addition, FTA must review and approve SSOA and RFGS incorporation of these requirements into their respective programs to verify compliance. FTA must also receive, electronically, both an annual report and an

annual certification from each State to verify its compliance with 49 U.S.C. Sections 5330 and 5329 (*a sample certification and annual report have been included in the submission of this information collection*). FTA may use this information in exercising its authority to withhold Federal funding to a State or an urbanized area in the State in the event compliance is not reached.

The grant application and project management reports are submitted to the FTA Program Office to determine the applicant's eligibility for funding and, subsequently, the recipient's progress in implementing and completing program activities. The reports assure FTA of a level of management of risks and ensure an appropriate allocation of program funds to eligible state safety oversight program activities. Also, the information submitted ensures FTA's compliance with applicable Federal laws and the Common Grant Rule. In addition, without these reports, significant resources and manpower would be necessary to conduct on-site inspections.

### **3. Describe whether collection of information involves information technology and any consideration of using information technology to reduce the burden.**

FTA collects information annually from the States and also requests materials and documentation to support the performance of audits and reviews at the States. Annual submissions to FTA are made in a Microsoft Excel template through e-mail. All other submissions made to FTA as part of audits or reviews are comprised of existing and available documentation in Microsoft and Adobe formats that are submitted through e-mail or uploaded through a file transfer protocol. FTA does not have a formal information technology system to support the collection of information from the States.

In terms of information the States collect from the RFGSs, since each state must designate its own oversight agency to comply with Section 5329(e), some States may create additional information reporting requirements, or adopt standardized forms to streamline the collection of information from the RFGS. FTA makes no specific requirements concerning the format of the information reported to the state oversight agency. Moreover, FTA does not require use of a specific technology or format for the annual reports to be submitted by the SSOAs. However, FTA will provide each state with a certification form to verify compliance with Section 5329. FTA recognizes the wide variety of available technologies and encourages both the RFGSs and the oversight agencies to discover the ones best suited to their operating conditions.

While States may choose to increase the information requirements for compliance with Section 5329, FTA would only require the minimum information necessary to implement an effective state oversight program. Wherever possible, FTA's requirements have attempted to incorporate existing standards, such as those devised by the American Public Transit Association (APTA) in its Manual for the Development of Rail Transit System Safety Program Plans, or to limit the reporting of unnecessary information by defining terms such as "accident" and "hazardous conditions" in ways that ensure only events of significance to the safety of the RFGS are reported to the state safety oversight agency.

FTA's electronic grant making and management system (TrAMS) is a paperless, electronic grant application, review, approval, acceptance and management process. It is anticipated that 100 percent of applications received under this new program will be submitted electronically. FTA also anticipates that approximately 100 percent of the periodic reports that SSOAs are required to submit will be submitted electronically. SSOAs are also strongly encouraged to use the electronic system for signature of annual certifications and assurances.

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

The SSO Program was authorized by Congress to address the need for oversight of RFGSs. Since promulgation of the 1995 49 CFR Part 659 Final Rule, every State with an RFGS has designated an SSOA to oversee each RFGS's safety. There is, therefore, no duplication of effort in the proposed FTA requirements for 49 U.S.C. Section 5329. The information that would be requested for compliance with 49 U.S.C. Section 5329 is unique to each RFGS and is available from no other source. Similarly, SSO grant funding authorized by 49 U.S.C. 5329 has specific requirements that are not duplicated elsewhere.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

Section 5329(e) applies only to States with RFGSs not regulated by the Federal Railroad Administration. Small businesses are not covered by FTA's state safety oversight requirements.

**6. Describe consequences to Federal program or policy activities if the collection were not collected or collected less frequently.**

FTA has limited the information collection requirements for implementation of Sections 5329(e) and 5330 to those requirements that are absolutely essential for State oversight of the safety of RFGSs. Any delay or curtailment in the reporting system designed by FTA would hamper greatly the ability of SSOAs to effectively monitor the safety of RFGSs and for FTA to monitor state implementation of rule requirements. Without the information collection requirements stated in this document, FTA would be unable to adequately determine compliance with program requirements, which would negatively affect the payment of SSO funds to States and other grantees.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.**

The information collected is consistent with the guidelines in 5 CFR 1320.6.

**8. Describe efforts to consult with persons outside the agency to obtain their views.**

FTA published a notice of proposed rulemaking implementing Section 5329(e) on February 27, 2015 (80 FR 11002). This justification statement was placed in the docket for review and comment. FTA has also worked with grantees on reporting requirements in shaping its reporting system and offers an opportunity for all grantees to comment on its methodologies. FTA received 52 comments from individuals and organizations in response to the NPRM, some of which addressed the paperwork burdens under the proposed rule, namely, the requirement for RFGSs to report all accidents and incidents to their SSOA, and the obligation of SSOAs to investigate all of those accidents and incidents. As a result of those comments, FTA amended the reporting burden so that RFGSs will only report (notify of) accidents meeting certain thresholds, and will not need to report (notify of) incidents. Conversely, incidents will not need to be investigated by an SSOA. Although accidents will still need to be investigated, the SSOA may permit the RFGS to conduct the investigation, but in such instances, the SSOA must conduct an independent review and analysis of the RFGS's findings.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

No payment or gift is made to respondents.

**10. Describe any assurance of confidentiality provided by to respondents and the basis for the assurance in statute, regulation, or agency policy.**

There will be no questions of a confidential nature for individuals on the information reported by the RFGS to the SSOA, or on the information reported by the SSOA to FTA. In the Final Rule, FTA encouraged States to provide a legal recourse for protecting the information provided to the SSOA from being eligible for use in litigation against RFGS. Despite the fact that RFGS are not asked questions of a confidential nature, an SSPP may contain confidential information. The current rule at 659.11 and the final rule at 674.23 provide that agencies may withhold an investigation report “from being admitted as evidence or used in a civil action for damages resulting from a matter mentioned in the report.” In addition, the final rule at 674.23 would “not require public availability of any data, information, or procedures pertaining to the security of a rail fixed guideway public transportation system or its passenger operations.”

**11. Provide additional justification for any questions of a sensitive nature.**

No individuals are asked questions of a sensitive nature in this information collection

**12. Provide estimates of the hour burden of the collection of information and annualized cost to respondents.**

**Total Respondents: 90** (30 States + 60 Rail Transit Agencies)

**Total Annual Burden Hours: 586,443 hours** (336,843 State Safety Oversight Agency hours + 249,600 Rail Transit Agency hours).

Based on the data reported by each of the States involved in the Section 5330 SSO Program in Calendar Year (CY) 2014, FTA estimates the annual information collection burden for States implementing Section 5329 requirements to be 336,843 total hours. This equates to approximately 11,228 hours devoted to information collection activities for each of the estimated 30 States in the SSO Program.

FTA's estimate of the annual information collection burden for RFGSs implementing 49 U.S.C. Section 5329 requirements is based on data developed jointly by FTA and the Government Accountability Office (GAO) in 2006 and growth in the rail transit industry through 2010. Using this data, FTA estimates that the annual information collection burden for RFGSs is approximately 249,600 total hours, or approximately 4,160 hours for each of the 60 rail transit agencies in the SSO Program.

FTA has not conducted an RFGS resource assessment since 2006. Additionally, RFGS implementation requirements have not changed since the GAO study. The data included in the report addresses this increase by applying a growth factor to the figures from the 2006 assessment.

Total burden hours: 336,843 hours (State Oversight Agencies) + 249,600 hours (Rail Transit Agencies) = 586,443 hours

The following tables provide a breakdown of the hours and costs.

### **Costs to State Oversight Agencies**

FTA collected resource allocation data from the 30 SSOAs designated to implement 49 CFR part 659 requirements. To comply with 49 U.S.C. Section 5329, SSOAs must perform several initial activities to establish their oversight programs. Once these activities have been completed, SSOAs are required to conduct periodic monitoring and investigation activities to maintain compliance.

Initially, SSOAs must develop and approve a systems safety program standard that will be utilized by the RFGS to develop their SSPPs. SSOAs must also review and approve the SSPPs and eventually Transit Agency Safety Plans submitted by the RFGSs. The SSOA must also review and approve the RFGS' annual report on its internal safety and reviews. In addition to monitoring the RFGS' implementation of its hazard management process, the SSOA must conduct and oversee the investigation of accidents, including the review and approval of accident investigation reports and corrective action plans. The state SSOA must also conduct a three-year safety review and report these findings.

The SSOAs must continue to monitor RFGS compliance with the system safety program standard, monitor notification procedures, maintain data collection activities and develop and submit annual reports and certifications to FTA.

FTA originally used an hourly rate that was based on the mean hourly wage for full-time state and local government “general and operations managers” in 2012 as reported by the Bureau of Labor Statistics (BLS). In the Final Rule, in response to commenter concerns, FTA conducted a second review of the recurring and non-recurring regulatory costs and used a wage rate of \$44.47 per hour, based on 2014 BLS data for State and Local General Operations Managers. In addition, FTA revised its labor costs to include a 56 percent allowance for employee fringe benefits and other costs of employee compensation, based on BLS data for 2014. The labor cost for investigations was also revised to \$65 per hour, plus benefits, reflecting a higher cost for this specialty.

The following table describes the costs of both the initial and ongoing information collection activity costs required for SSOAs to maintain compliance with Section 5329:

<b>State Oversight Agency Activity: Non-Recurring and Annual Activities</b>	<b>Labor Hours</b>	<b>Cost</b>
<b>§ 674.11 Develop State Safety Oversight Program*</b>	9,000	\$624,359
<b>§ 674.13 Designation of oversight agency</b>		
• Legal and Financial Independence Procedures and Disclosures*	2,400	\$166,496
• Annual Updates and Legal and Financial Independence Disclosures	600	\$41,624
• Documentation of No Provision of Transit Service	60	\$4,162
• Documentation of No Employment for Personnel Administering Rail Transit Programs	60	\$4,162
• Establish and Document Authority to Review, Approve, Oversee, and Enforce Agency Safety Plan*	30,000	\$2,081,196
• Establish and Document Investigative and Enforcement Authority*	30,000	\$2,081,196
<b>§ 674.15 Designation of oversight agency for multi-state system</b>	3,000	\$208,120
<b>§ 674.17 Use of Federal financial assistance</b>		
• Identifying and Providing Appropriate Match for Grant Program*	6,000	\$416,239
• SSO Grant Management and Reporting Activities	3,000	\$208,120
<b>§ 674.19 Certification of a State Safety Oversight Program</b>	6,900	\$478,675
<b>§ 674.23 Confidentiality of information*</b>	3,000	\$208,120
<b>§ 674.25 Role of the State safety oversight agency</b>		
• Establish minimum standards for the safety of rail transit agencies*	30,000	\$2,081,196
• Update minimum standards as needed or required	6,000	\$416,239
• Review and approve Agency Safety Plan (§ 674.29 Public Transportation Agency Safety Plans: general requirements)	9,600	\$665,983
• Review and Approve Supporting and Referenced Procedures	9,600	\$665,983
• Review and Approve Annual Updates to Agency Safety Plan and Supporting and/or Referenced Procedures	4,800	\$332,991
• Oversee the Rail Transit Agency’s execution of its Public Transportation Agency Safety Plan.	60,000	\$4,162,392
• Enforce the execution of a Public Transportation Agency Safety Plan, through an order of a corrective action plan or any other means, as necessary or appropriate.	1,200	\$83,248

• Ensure that a Public Transportation Agency Safety Plan meets the requirements for Public Transportation Agency Safety Plans at 49 U.S.C. 5329(d) and the regulations that are or may be codified at 49 CFR Part 673	1,200	\$83,248
• Investigate any hazard or risk that threatens the safety of a Rail Transit Agency	60,000	\$4,162,392
• Investigate any allegation of noncompliance with a Public Transportation Agency Safety Plan	0	\$0
• Exert primary responsibility to investigate each Rail Transit Agency accident	0	\$0
• Enter into agreements with contractors	6,000	\$416,239
• Comply with the requirements of the Public Transportation Agency Safety Certification Training Program	24,000	\$1,664,957
<b>§ 674.27 State safety program standards</b>		
• Develop and adopt program standard*	6,000	\$416,239
• Develop and adopt program procedures*	6,000	\$416,239
• Develop and adopt Safety Management Systems oversight principles and oversight methods*	6,000	\$416,239
• Review and update program standard and procedures	600	\$41,624
<b>§ 674.31 Triennial audits: general requirements</b>	48,000	\$3,329,914
<b>§ 674.33 Notifications: Accidents and other incidents</b>	2,000	\$138,746
<b>§ 674.35 Investigations</b>	24,423	\$2,476,456
<b>§ 674.37 Corrective action plans</b>	18,000	\$1,248,718
<b>§ 674.39 State Safety Oversight Agency annual reporting to FTA</b>	2,400	\$166,496
<b>§ 674.41 Conflicts of interest</b>	600	\$41,624
<b>Travel, where not included with other items</b>	1,200	\$83,248
<i>Total Recurring Hours and Costs</i>	294,443	\$21,208,607
<i>Total Non-recurring Hours and Costs (Three years)</i>	127,200	\$8,824,271
<i>Annual Average over 3-Year Implementation Period</i>	336,843	\$24,150,031

\*Non-recurring cost are the upfront costs, likely to be incurred over the first three years; all others are annual costs.

### **Costs to Rail Fixed Guideway Systems**

To comply with the requirements of 49 U.S.C. Sections 5330 and 5329, RFGSs must develop and implement an SSPP that meets the criteria established in the SSOA’s system safety program standard. The system must also conduct internal safety reviews according to procedures identified in both plans and in compliance with minimum requirements specified in the rule. An annual report must be drafted and submitted to the SSOA for review and approval. Additional activities include the implementation of an approved hazard management process; the notification, investigation, and reporting of accidents that occur at the fixed guideway system; and the preparation and implementation of corrective action plans. The RFGS must also conduct an annual emergency preparedness drill and report its findings to the SSOA.

The estimates in the following table, calculated at the wage rates as described above (\$65.00 for investigations and 44.47 per hour for other activities, plus a 56% allowance for employee

benefits) , reflect the varying levels of compliance already in existence throughout the industry, as well as for new requirements to be implemented. Using this rate, FTA estimated the rail transit agencies information collection activity costs to be \$18.5 million.

<b>Rail Transit Agency Activity</b>	<b>Labor Hours</b>	<b>Cost</b>
Conduct accident investigations	38,000	\$3,853,200
Prepare accident investigation reports	24,000	\$1,664,957
Investigate unacceptable hazardous conditions	60,000	\$4,162,392
Implement hazard management process	60,000	\$4,162,392
Prepare and submit corrective action plans	24,000	\$1,664,957
Coordinate hazard management program activities with state oversight	30,000	\$2,081,196
Maintain safety data	4,000	\$277,493
Make submissions to state oversight agency	9600	\$665,983
<i>Total Recurring Hours and Costs</i>	<i>249,600</i>	<i>\$18,532,569</i>
<i>Annual Average over 3-Year Implementation Period</i>	<i>249,000</i>	<i>\$18,532,569</i>
<i>Total Non-recurring Hours and Costs</i>		<i>\$0</i>
<i>Annual Average over 3-Year Implementation Period</i>	<i>249,000</i>	<i>\$18,532,569</i>

**13. Estimate of the total cost burden to respondents or record keepers resulting from the collection of information (not including the cost of any hour burden shown in items 12 and 14).**

There is no additional cost beyond that shown in items 12 and 14.

**14. Estimate of annualized cost to the Federal government.**

To comply with Section 5330 and Section 5329, FTA must make an initial review of each SSOA’s system safety program standard and procedures to determine compliance. Each year thereafter, FTA must continue to monitor compliance. In addition, FTA must provide technical assistance and general monitoring services to manage the SSO program. The table below provides estimates of the labor costs to FTA for compliance with Section 5330 and Section 5329.

Compliance monitoring audits have demonstrated their effectiveness to improve the state oversight for accident/hazardous condition investigations, accident reporting, and implementing corrective actions for causes of accidents. It is necessary to provide technical assistance and training to prevent future accidents with injuries and fatalities. Costs are based on \$41.42 per labor hour. Using this rate, FTA estimates the total cost to be \$473,513.44.

<b>Annual Activity for Compliance with Section 5330</b>	<b>Labor Hours</b>	<b>Total Cost</b>
<b>Federal Transit Administration</b>		
Review and approve grant applications	1,120	\$ 46,390.40
Monitor and close program grants	112	\$ 4,639.04
Review state oversight agency designation submissions	500	\$ 20,710.00
Review state oversight agency initial submissions	500	\$ 20,710.00
Review state oversight agency annual submissions	1,700	\$ 70,414.00
Review state oversight agency periodic submissions	2,000	\$ 82,840.00
Technical assistance for state oversight agencies	3,000	\$124,260.00
Compliance monitoring	2,500	\$103,550.00
<b>Total Federal Transit Administration</b>	<b>11,432</b>	<b>\$473,513.44</b>

Estimate for Federal Transit Administration

**15. Explain the reasons for any program changes or adjustments reported in items 13 and 14 of OMB Form 83-I.**

The total number of respondents increased from 76 in 2012 to 90 in this current information collection. This is a result of an increase in States participating in the SSO Program from 28 in 2012 to 30 in 2014. The number of rail transit agencies also increased from 48 in 2012 to 60 in 2014.

In addition, the total burden hours increased from 177,820 hours for the previous request to 586,443 hours for this information collection request, representing a net increase of 408,623 burden hours. This is an adjustment due to the addition of new respondents and the reporting requirements of the new SSO grant program. The increases in burden under the Section 5329 SSO Program over the 5330 SSO Program results from the general restructuring of the SSO Program where documentation will be required to establish the new regulatory program, conduct new activities for accident investigation, hazard investigation, safety data analysis, and corrective action plan management, as well as support enhanced training, grants management and reporting to FTA.

**16. Plans for tabulation and publication for collections of information whose results will be published.**

FTA will prepare an annual report on accident statistics as reported by SSOAs in their annual submission to FTA.

**17. If seeking approval not to display the expiration date for OMB approval, explain the reasons.**

FTA is not seeking this approval.

**18. Explain any exception to the certification statement identified in Item 19 of OMB Form 83-I.**

There are no exceptions to the certification statement.