



U.S. Department
of Transportation


**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MEMORANDUM

Date: February 28, 2017

To: Chad Lallemand, Desk Officer,
Office of Management and Budget (OMB)

From: Sarah L. Inderbitzin
Acting Chief Counsel 

Subject: OMB Emergency Clearance for Collection of Information under
Paperwork Reduction Act for Railroad Communications

Summary

The Federal Railroad Administration (FRA) seeks emergency clearance from the Office of Management and Budget (OMB) for a 30-day extension of OMB control number 2130-0524.

Discussion

FRA seeks approval for emergency processing of this submission of authorization to collect information from railroads essential to the proper transmission, recording, and retention of radio communications affecting the safe movement of trains and other on-track equipment under 49 CFR part 220 (Railroad Communications).

Wireless communications are a matter of operational necessity for all railroad operations to provide information related to train routing, track speed restrictions, roadway worker activity, highway-rail grade crossing warning device activation failures (to “stop and flag”), and other routine and unscheduled occurrences. However, human factor concerns associated with improper communication of train movement authorities and with employees’ use of distracting electronic devices have been significant issues for FRA and

have led to major accidents. FRA has addressed in its regulation these and other issues affecting safe railroad communications.

FRA's railroad communications regulations prescribe minimum requirements governing the safe use of wireless communications for railroad operations, including the safe use (if any) of cellular telephones and other electronic devices. In particular, FRA's regulations (49 CFR 220.61) require employees who receive any train movement authority or speed restriction transmitted by wireless communications to record, retain, and mark the information to ensure the employees accurately and safely rely on the information conveyed in performing their railroad duties. Further, FRA's regulations (49 CFR 220.307) require train crewmembers to conduct a safety briefing before using railroad-supplied cellular telephones or other electronic devices in the cab of a controlling locomotive.

FRA's authorization to collect these types of information and other information related to safe railroad communications under OMB control number 2130-0524 expires on February 28, 2017. Due to the change in presidential administrations, FRA was unable to publish a Federal Register notice in a timely manner to provide a 30-day comment period upon renewal of this control number. FRA will forward the 30-day notice to the Office of the Federal Register on March 1. FRA seeks an emergency 30-day extension of OMB control number 2130-0524 so that the agency has an opportunity to submit a renewal for this information collection request without the disruption caused by an expired OMB control number.

Accordingly, FRA is seeking emergency clearance for this information collection request pursuant to 5 CFR 1320.13. The information collection is needed prior to the time periods established in 5 CFR part 1320 and is essential to FRA's mission of providing a safe railroad system. The agency cannot comply with the normal Paperwork Reduction Act clearance procedures because doing so would disrupt the collection of information currently conducted under OMB control number 2130-0524 as this control number will expire prior to publication of the 30-day Federal Register notice. This would adversely affect FRA's ability to ensure railroad employees safely and accurately communicate and rely on instructions and other information necessary to avoid train accidents and harm to railroad employees, passengers, and the public.

To ensure FRA has the continued ability to require railroad employees to follow communication requirements essential to railroad safety, it is imperative FRA receive a 30-day extension from OMB for OMB control number 2130-0524.