

**INFORMATION COLLECTION
SUPPORTING JUSTIFICATION – Part A
SURVEY OF PLANT AND INSULAR TOURIST RAILROADS
SUBJECT TO BRIDGE SAFETY STANDARDS
OMB No. 2130-0617**

Summary of Submission

- This submission is a request for an **extension without change** to the last approval of this collection of information cleared by OMB on **December 6, 2016**, which expires on **December 31, 2017**.
- FRA published the required 60-day **Federal Register** Notice on **April 11, 2017**. See 82 FR 17498. FRA received no comments in response to this Notice.
- Further, on **May 22, 2017**, FRA published an additional, supplementary Notice in the **Federal Register** that directed respondents to provide requested information on the potentially regulated entity to a dedicated email address – FRAPlantTouristSurvey@dot.gov. See 82 FR 23486. FRA received **no** comments in response to this supplementary Notice as well.
- The total number of burden **hours requested** for this submission is **53 hours**.
- Total number of burden **hours previously approved** is **53 hours**.
- Total number of **responses requested** for this submission is **210**.
- Total number of **responses previously approved** is **210**.
- Thus, there are no **program changes** or **adjustments** at this time.
- ****The answer to question number 12 itemizes the hourly burden associated with each requirement of this rule (See p. 6).**

1. Circumstances that make collection of the information necessary.

Background

The Federal Railroad Administration (FRA) has statutory responsibility to ensure the safety of railroad operations. See the Federal Rail Safety Act of 1970 (45 U.S.C. §§ 421 et seq.; now 49 U.S.C. 20103 et seq.). FRA has conducted a Railroad Bridge Safety Program at various levels of effort ever since the enactment of the Railroad Safety Act of 1970. FRA is authorized under that Act to issue regulations addressing a wide variety of subjects regarding railroad safety.

In 2010, as directed by the Rail Safety Improvement Act (RSIA) of 2008, FRA promulgated railroad bridge regulations. FRA Bridge Safety Standards regulations (49 CFR part 237) require all owners of railroad track with a gage of 2 feet or more supported by a bridge to comply with this part. This includes insular tourist railroads as well as track owners with bridges located within an industrial installation (plant) that is not part of the general railroad system of transportation (general system) but over which railroad equipment is moved by a general system railroad.

To identify track owners subject to the requirements of part 237, Bridge Safety Standards, FRA has relied on the railroad accident/incident reports required by 49 CFR part 225 to be filed monthly. However, plant and insular tourist railroads are exempt from the part 225, Railroad Accidents/Incidents Reporting and Recordkeeping requirements.

The United States Department of Transportation (DOT) Office of Inspector General (OIG) recently completed an audit of FRA bridge safety oversight. One of the OIG's findings was that "FRA does not maintain a comprehensive list of track owners that must comply with its Bridge Safety Standards." The audit report pointed out that "the Agency lacks information on industrial operations that own railroad track and are subject to the rule." OIG recommended that FRA "develop and implement a plan to identify and regularly update a comprehensive list of entities regulated by FRA's bridge safety standards."

FRA desires to identify plant and insular tourist railroads that may be subject to part 237 requirements, but are exempt from the part 225 reporting requirement, to analyze risks these entities pose to railroad bridge safety and aid in planning bridge safety oversight activities and allocating resources.

FRA has identified two options for locating insular tourist railroads and plant railroads over which rail equipment is moved by a general system railroad. In the first case, FRA inspectors could scour the country searching for previously unidentified entities that are subject to the Bridge Safety Standards. In the second case, FRA could request that insular tourist railroads and industrial installations containing railroad bridges operated over by general system railroads self-report, and that general system railroads identify and report their customer installations where the general system railroad crosses one or more railroad bridges within the facility. FRA believes that the second option, self-reporting by the tourist railroad, plant, or serving railroad is more convenient for the responding universe, and that it represents the most efficient use of agency resources as FRA would not have to devote employee time and travel expenses to search out affected entities.

FRA will request any railroad serving a plant and moving railroad equipment over bridges within the plant, or the plant itself, to advise FRA by email that there are railroad bridges within the installation potentially subject to FRA Bridge Safety Standards. FRA will also request insular tourist railroads, whose tracks are supported by one or more

bridges, to advise FRA of their existence by email. The email notification would include the name of the installation or insular tourist railroad, address including city and State, contact name, telephone number, and email address. This survey will be ongoing with initial approval requested for 3 years. Insular tourist railroads unable to notify FRA by e-mail may do so by telephone.

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

As mentioned in the summary above, FRA will use the data received in this project to prioritize, on a risk basis, individual insular tourist railroads and plants subject to FRA Bridge Safety Standards for bridge safety oversight activities and to allocate resources. The data will be analyzed against risk factors, and regulated entities will be prioritized according to the resulting scores. It should be noted that a high selection ranking of any railroad by FRA will not necessarily indicate that the railroad has a bridge safety problem. That determination will only be made by FRA during its evaluation of that railroad's bridge management practices.

3. **Extent of automated information collection.**

FRA strongly endorses and highly encourages the use of advanced information technology and electronic record keeping, wherever possible, to reduce burden. In keeping with the requirements of the Paperwork Reduction Act (PRA) and the Government Paperwork Elimination Act (GPEA), FRA is asking plant and insular tourist railroads to provide the specified information via e-mail or telephone. On **May 22, 2017**, FRA published a Supplementary Notice in the **Federal Register** that directed respondents to provide requested information on the potentially regulated entity to a dedicated email address – FRAPlantTouristSurvey@dot.gov. Any railroad unable to notify FRA via e-mail may do so by telephone. Thus, FRA expects 100 percent of responses will be collected electronically.

4. **Efforts to identify duplication.**

There are no existing sources of information identifying insular tourist railroads or industrial installations not subject to 49 CFR part 225 reporting requirements. Similar data is not available from any other source.

5. **Efforts to minimize the burden on small businesses.**

Background

The U.S. Small Business Administration (SBA) stipulates in its "Size Standards" that the largest a railroad business firm that is "for profit" may be, and still be classified as a "small entity" is 1,500 employees for "Line-Haul Operating Railroads," and 500 employees for "Switching and Terminal Establishments." "Small entity" is defined in the Act as a small business that is independently owned and operated, and is not dominant in its field of operation. SBA's "size standard" may be altered by federal agencies after

consultation with SBA and in conjunction with public comment. Pursuant to that authority, FRA has published a final policy that formally establishes “small entities” as railroads which meet the line haulage revenue requirements of a Class III railroad. The revenue requirements are currently \$40 million or less in annual operating revenue. The \$40 million limit (which is adjusted by applying the railroad revenue deflator adjustment) is based on the Surface Transportation Board’s (STB) threshold for a Class III carrier. FRA uses the same revenue dollar limit to determine whether a railroad is a small entity.

There are approximately 704 railroads currently operating in the United States. According to 2015 Surface Transportation Bureau (STB) data there were eight (8) Class I railroads (including Amtrak) and 42 Class II railroads; therefore, as many as 704 railroads would be characterized as small entities. While all small railroads will be asked to respond if they serve customers with railroad bridges within their installation, responding is strictly voluntary; if a small railroad serves no plants or installations with railroad bridges, no response is expected. For the remainder of the small railroads, the burden should be directly proportional to the size of the operation.

Again, it should be noted that the total estimated burden for the proposed collection of information is very minimal.

6. Impact of less frequent collection of information.

If the proposed information collection activities are not conducted, rail safety throughout the United States might be adversely impacted. Specifically, without the proposed collection of information, FRA would have no means or method to evaluate the bridge management practices of the nation’s insular tourist railroads and plant installations subject to FRA Bridge Safety Standards to gauge whether they are following effective and safe practices and procedures for the inspection and maintenance of the bridges under their control and are conducting safe rail operations over these bridges. Without the proposed collection of information, FRA would be denied a valuable resource to most efficaciously direct its very limited bridge inspection personnel to carry out their critical duties. It is vitally important to ensure safe train operations and to prevent a catastrophic bridge failure or other bridge failures that could result in scores of injuries and fatalities.

Additionally, without the proposed collection of information, FRA would be unable to implement the OIG recommendation to “develop and implement a plan to identify and regularly update a comprehensive list of entities regulated by FRA’s bridge safety standards” and would be forced to have FRA inspectors scour the country searching for previously unidentified entities that are subject to the Bridge Safety Standards. FRA has neither the manpower nor the luxury of many years to complete this task.

In sum, the proposed collection of information contributes to FRA’s paramount mission to promote and enhance rail safety throughout the United States and to reduce, to the greatest extent possible, the number of rail accidents/incidents that occur each year and the corresponding number of injuries, fatalities, and property damage that result from

such events. The proposed collection of information will provide necessary data that will enable FRA to closely look at insular tourist and plant railroad bridge management practices and, where needed, recommend/compel changes to ensure that bridges are properly inspected, and maintained in a safe, reliable condition.

7. **Special circumstances.**

No known special circumstances exist relating to this section.

All information collection requirements are in compliance with this section.

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

As required by the Paperwork Reduction Act of 1995, FRA published a notice in the Federal Register on April 11, 2017, soliciting comment on the proposed data collection. See 82 FR 17498. FRA received **no** comments in response to this Notice.

Further, On **May 22, 2017**, FRA published an additional, supplementary Notice in the **Federal Register** that directed respondents to provide requested information on the potentially regulated entity to a dedicated email address – FRAPlantTouristSurvey@dot.gov. See 82 FR 23486. FRA received **no** comments in response to this supplementary Notice as well.

It should be noted that the principal reason for this study is to capture information that FRA does not currently possess and is in response to the DOT OIG’s recommendation that FRA “develop and implement a plan to identify and regularly update a comprehensive list of entities regulated by FRA’s bridge safety standards”.

9. **Payments or gifts to respondents.**

No payments or gifts will be provided to respondents.

10. **Assurance of confidentiality.**

No assurances of confidentiality are necessary or will be made by the FRA. The information to be collected is not of a private or sensitive nature.

11. **Justification for any questions of a sensitive nature.**

No information of a sensitive nature will be requested or collected.

12. **Estimate of burden hours for information collected.**

Respondent universe of railroads is estimated to be 704; additionally, the universe of industrial installations is estimated to be 500, and the universe of insular tourist railroads is estimated to be 20, for a total estimated respondent universe of 1,224. Of this total population, it is not expected that all railroads, insular tourist railroads, or industrial installations will respond via e-mail to the FRA request for information. The 704 railroads listed as part of the respondent universe are not expected to be in the annual response because they are on the general system of transportation and fall under FRA’s Accident/Incident Reporting Regulations (49 CFR Part 225). Because of this fact that they report to FRA on a regular basis, FRA pretty much knows already whether they fall under FRA’s Bridge Safety Standards (49 CFR Part 237). However, there may be a few of these railroads that will respond to the proposed information collection and thus FRA has included them in the respondent universe – just in case.

Since most industrial installations and insular tourist railroads do not fall under FRA’s Accident/Incident Regulations and thus do not report to FRA on a regular basis, FRA is trying to find out in the proposed information collection whether these entities include or are near bridges that would make them subject to 49 CFR Part 237.

Assuming a 40% response rate for industrial installations and a 50% response rate for insular tourist railroads, approximately 210 responses are expected. Once an industrial installation subject to the Bridge Safety Standards or insular tourist railroad has been reported to the FRA, no further reporting is necessary under this information collection.

Form	Number of Respondents	Total annual responses	Time per Response	Total Burden in Hours
Email	1,224	210	15 minutes	53

**** Note:** The dollar cost equivalent of the total estimated hours amounts to an estimated \$3,975 (\$75 x 53 hrs). FRA is using the 2016 AAR publication Railroad Facts as the basis for this cost calculation, which includes 75% overhead.

13. Estimate of total annual costs to respondents.

There are no additional costs to respondents other than those identified in Item 12 above.

14. Estimate of Cost to Federal Government.

An agency Bridge Safety Specialist (GS-13, Step 5*) will spend approximately 15 minutes per response reviewing the data and inputting the information into a spreadsheet. With 210 expected responses, a total of 53 hours will be incurred on this project. Thus, the Federal Government will incur an estimated cost of \$4,770.

* (Comes to an hourly rate of \$90.39 (\$90 rounded) based on 2017 OPM Salary table for the Locality Pay Area of Washington – Baltimore – Arlington; 75 percent overhead costs are included).

15. Explanation of program changes and adjustments.

This is a request for an **extension without change** to the last approved submission to OMB. By definition, there are **no program changes** or **adjustments** at this time.

The current OMB inventory shows a total burden of **53 hours** and **210 responses** for this information collection, while the present submission exhibits a total burden of **53 hours** and **210 responses**. Thus, there are **no program changes** or **adjustments** at this time.

Also, there is **no** change in cost to respondents.

16. Publication of results of data collection.

There are no plans to publish the data collected in this project. The information will be used by the FRA internally to prioritize bridge safety staff assignments relating to conducting bridge safety oversight activities. Insular tourist railroads and industrial installations subject to the Bridge Safety Standards will be selected using a risk-based methodology driven by the data supplied by the individual respondents.

FRA will perform a risk-based analysis that looks at the information provided by insular tourist and industrial installations regarding bridges on or near their facilities. In particular, FRA will look at a variety of factors, including the age of the bridge, the condition of the bridge, the amount and type of traffic on the bridge and how all these factors impact rail safety now and in the future. FRA will then allocate its limited inspection resources to follow-up on this information to ensure these bridges fully comply with 49 CFR part 237 so that rail safety is fully maintained and potential accidents/ incidents are avoided or reduced to the greatest extent humanly possible.

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. FRA will use the information collected to allocate agency resources to improving the safety of railroad bridges and related infrastructure in an effort to prevent accidents, incidents, injuries, and fatalities caused by catastrophic failure or other bridge failures. Use of the information collected will allow FRA to implement the OIG's recommendation to "develop and implement a plan to identify and regularly update a comprehensive list of entities regulated by FRA's bridge safety standards." Without this collection of information, FRA will have no reasonable means to ensure that those regulated entities presenting risk of experiencing a bridge related accident or catastrophic bridge failure are identified and prioritized for bridge safety oversight activities.

The proposed collection of information contributes to FRA's paramount mission to promote and enhance rail safety throughout the United States and to reduce, to the greatest extent possible, the number of rail accidents/incidents that occur each year and the corresponding number of injuries, fatalities, and property damage that result from such events. The proposed collection of information will provide necessary data that will enable FRA to closely look at insular tourist and plant railroad bridge management practices and, where needed, recommend/compel changes to ensure that bridges are properly inspected, and maintained in a safe, reliable condition.

In sum, this collection of information supports FRA's mission, which is to promote and enhance rail safety throughout the United States of America.

As always, FRA seeks to do its utmost to fulfill DOT Strategic Goals and to be an integral part of One DOT.