

Annual Tank Car Survey
OMB Control Number 2139-XXXX

Section A

November 30, 2017

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A. Justification

A1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

On December 4, 2015, the President signed legislation entitled “Fixing America’s Surface Transportation Act of 2015,” or the “FAST Act.” See Pub. L. 114-94. (See attached legislation) The FAST Act includes the “Hazardous Materials Transportation Safety Improvement Act of 2015” (see Sections 7001 through 7311) and instructs the Secretary of Transportation to make specific regulatory amendments to the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180), including requirements for certain persons to report the progress toward modifying rail tank cars used for the transportation of Class 3 flammable liquids in accordance with the timeline established in Section 7304 of the FAST Act.

On December 4, 2016, BTS submitted an initial report to Congress outlining an implementation plan for satisfying the requirements listed in Sec. 7308 of the FAST Act. The first requirement described in section 7308(b) required that the Department collect data on the total number of rail tank cars modified to meet the DOT-117R specification (or equivalent), the total number of tank cars built to meet the DOT-117 specification (or equivalent), and the total number of tank cars used or likely to be used to transport Class 3 flammable liquids that have not been modified. As described in the implementation plan, BTS established a Memorandum of Agreement with the Association of American Railroads (AAR) to acquire the necessary data and support to fulfill this mandate. BTS subsequently submitted the first data report to Congress on September 5, 2017 describing the status of tank car upgrades from 2013 through 2016, by tank car type and type of flammable liquid.

Section 7308(c) of the FAST ACT directs the Secretary of Transportation to conduct a survey of tank car facilities to obtain an estimate of tank cars projected to be modified or built to the new safer Department of Transportation (DOT) specification 117 or 117R. In order to satisfy the FAST Act requirements, the Bureau of Transportation Statistics (BTS) plans to collect this information from facilities that are certified to build and retrofit tank cars. Specifically, BTS will collect data from tank car retrofitting and manufacturing facilities on their planned and projected number of tank cars to be retrofitted or manufactured beginning in early 2018 and continuing on an annual basis through 2029, per the legislation. Any facility identified with the capacity to build or modify new tank cars to the 117 or 117R specification, as described in Section 7308(c) of the FAST Act, will be included in the survey. This is estimated to be a relatively small universe of fewer than 140 facilities.

As a designated federal statistical agency, BTS is best positioned within the U.S. Department of Transportation to compile and report the required information to Congress. In accordance with its authority under 49 USC § 6302(b), BTS is authorized to collect, compile, analyze, and publish comprehensive data sets of transportation statistics, including statistical information related to transportation-related variables that influence the domestic economy and global competitiveness, intermodal freight movement, and information related to the consequences of transportation for the human and natural environment. Also, in accordance with CIPSEA, BTS will ensure that all responses to this census are kept confidential to the extent allowable by law. Only summary information in the form of aggregated estimates will be made public so as not to identify, directly or indirectly, individual respondents or responses.

A2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

This is a new collection.

The purpose of this information collection is to provide information to Congress to aid in their efforts to monitor industry-wide progress on modifying the fleet of rail tank cars carrying Class 3 flammable liquids. More specifically, the survey will collect the projected number of tank cars expected to be built or retrofitted in each calendar year to meet the new safer DOT-117 or 117R specifications. The information will be submitted to Congress in the form of an annual summary report that also includes the numbers of actual builds and retrofits from the previous year as part of the section 7308(b) requirement. The summary report of aggregate findings will be provided to the following Congressional Committees:

- (1) The Committee on Commerce, Science, and Transportation of the Senate; and
- (2) The Committee on Transportation and Infrastructure of the House of Representatives.

In addition, this summary report will also be published to the BTS web page for access by other interested stakeholders and parties.

A3. Describe whether, and to what extent the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting the electronic submission of responses, and the basis for the decisions for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

This data collection will be completed almost exclusively using an online survey located on a secure BTS server. As a survey of businesses, it is anticipated that the respondents will have access to the Internet and can easily complete the survey via the web reporting tool. In rare situations and upon the respondent's request, we will accept information submitted via a telephone interview.

The web-based survey tool will employ security measures (unique identification and passwords) to ensure that respondents can only access and complete information for their operation, and that the submitted information is transmitted in a secure, encrypted manner. To mitigate reporting burden, it will also allow for a limited number of pre-filled responses of company information that remains relatively constant across years (e.g., business type and contact information) so that respondents can confirm or update, if needed, as opposed to completing the entire form. In addition, based on prior responses, the online tool utilizes skip patterns to direct respondents to only those appropriate sections and questions. The tool will perform a limited set of real-time data quality checks to identify and address anomalies and outliers in key reported data items, but will not unduly force the respondent to change or provide a response if they choose to continue the survey without doing so. Technical support will also be provided for online respondents during normal business hours.

A4. 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 above.

BTS has coordinated efforts with the Pipeline and Hazardous Materials Safety Administration (PHMSA), the Federal Railroad Administration (FRA), and other offices within the Office of the Secretary of Transportation (OST) to ensure that this information required by the FAST Act is not part of any other

data collection effort already under way or planned by the Department. BTS has also been coordinating with the Association of American Railroads (AAR) to confirm they have no knowledge of other data collections of this nature that exists for their constituents or stakeholders

A5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Some of the tank car facilities in this census may be considered small businesses. BTS is minimizing the response burden by only asking for a limited amount of required information and by using a short, easy-to-complete web tool. Furthermore, the web reporting tool is designed to navigate the respondent to only the relevant portions of the survey and contains some pre-filled data elements to mitigate unnecessary re-entries. Additionally, the respondent universe is relatively small consisting of not more than 140 facilities.

A6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The consequence of not collecting this information is that the Department would be unable to satisfy a statutory mandate. In addition, Congress would have less comprehensive information on the progress of modifying tank cars to new safer requirements (i.e., not fully satisfying Section 7308 of the FAST Act). Thus, Congress would not have complete information to monitor how the implementation of safer new cars is progressing in order to assess compliance and the future risk of flammable liquids moving on our nation's railroads.

A7. Explain any special circumstances that would cause an information collection to be conducted in a manner that is not consistent with the guidelines in 5 CFR 1320.6.

No special circumstances require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

A8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments.

BTS published a 60-day notice for public comment for this information collection to the Federal Register on March 22, 2017 (82 FR 14799). The notice can be found at:
<https://www.federalregister.gov/documents/2017/03/22/2017-05644/office-of-the-assistant-secretary-for-research-and-technology-ost-r-request-for-clearance-for-an>

No comments were received.

BTS published a 30-day notice for public comment for this information collection to the Federal Register on July 31, 2017 (82 FR 35578). The notice can be found at:
<https://www.federalregister.gov/documents/2017/07/31/2017-16040/office-of-the-assistant-secretary-for-research-and-technology-ost-r-notice-of-request-for-clearance>

While 2 comments were received, one was accidental and subsequently withdrawn and the other is not at all relevant to the subject matter of this data collection and appears to have gone in before the notice was posted. Thus, in our opinion, there were no substantive comments.

A9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payments or gifts are being offered.

A10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.

Respondents will be assured that their responses to this information collection will be protected in accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002 (Title 5 of Public Law 107-347). Collected information will be used for statistical purposes and BTS will hold the information in confidence to the full extent permitted by law. No information will be disclosed in identifiable form without a respondent's informed consent. In addition, respondents will also be notified that pursuant to the Federal Cybersecurity Enhancement Act of 2015, Federal information systems are protected from malicious activities through cybersecurity screening of transmitted data.

A11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

None of the information being collected is personally sensitive. Some information may be considered proprietary business information, but individual responses will be kept confidential in accordance with CIPSEA and only provided as summary statistics.

A12. Provide estimates of the hour burden of the collection of information.

The annual burden hour calculation for completing the Tank Car Facility Survey was based on the time required to complete the survey, as well as the time needed to compile records and review reported numbers. The average burden hours required to participate in the census is estimated to be 30 minutes. It is also estimated that there are approximately 140 tank car facilities meeting the eligibility criteria for this survey. Thus, the total burden hours would be 70 hours (that is 30 minutes per respondent for 140 respondents).

A13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information.

An estimate of total annual cost burden follows based on the estimate of burden hours and wage rate of likely respondent as obtained from the 2016 Bureau of Labor Statistic's Occupational Employment Statistics - <https://www.bls.gov/oes/current/oes113071.htm>.

Estimated Total Annual Burden: The estimated burden is equal to 70 annual burden hours (i.e., 140 responses per year × 0.5 hour per response). The total burden cost is estimated at \$3,286 (i.e., 70 burden hours × \$46.94 per hour for a manager in Transportation, Storage, and Distribution).

The 60-day notice that was published on March 22, 2017 used the 2015 Bureau of Labor Statistic’s Occupational Employment Statistics since the 2016 estimates were not yet available. The wage rate for a manager in Transportation, Storage, and Distribution was \$47.74 which yielded a total burden of \$3,342. For the ICR package, the total burden has been reduced to reflect the more current wage data available.

Participation in the Tank Car Survey does not require additional record keeping on the part of the tank car operations beyond what they would do to support normal operations, nor does it require any start up or maintenance costs on their part.

A14. Provide estimates of annualized costs to the Federal government.

The estimated annualized cost to the Federal Government for the Tank Car Survey covered by this submission includes funding for support contracts to develop and deploy the web reporting environment, funding for BTS staff to develop the questionnaires, monitor data collection, oversee contract operations, correspond with respondents, analyze results, and develop/publish data products. Costs for support contracts are based on actual rates and direct costs charged on the 2018 Tank Car Survey. Government staffing costs are also based on the resources required for the 2018 Tank Car Survey (0.5 FTE) and BTS labor rates. Altogether, this submission represents an expected annual funding need of \$250,000.

| Annually: | Tank Car Facility Survey |
|------------------|---------------------------------|
| Contractor | \$125,000 |
| BTS | \$125,000 |
| Estimated Cost: | \$250,000 |

A15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

This is a new information collection request.

A16. For collections of information whose results will be published, outline plans for tabulation and publication.

A summary report will be published containing simple descriptive statistics, tables and graphs. No complex analyses will be conducted, nor will public use microdata or additional datasets be created. Per the legislation, the summary report will be submitted to Congress, specifically: the Committee on Commerce, Science, and Transportation of the Senate; and, the Committee on Transportation and Infrastructure of the House of Representatives. In addition, this summary report will also be posted to the BTS Web page.

A17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We are not seeking approval to not display the expiration date for OMB approval for this information collection.

A18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

No exceptions to the certification are required for this information collection.