

**SUPPORTING JUSTIFICATION FOR
CERTIFICATION OF GLAZING MATERIALS
OMB No. 2130-0525**

Summary

- This submission is a request for an extension without change of the last approval granted by OMB on **April 26, 2016**, and which expires **April 30, 2019**.
- FRA published the required 60-day **Federal Register** Notice on **December 3, 2018**. See 83 FR 62399. FRA received **no** comments in response to this Notice.
- The total number of burden **hours requested** for this submission is **269 hours**.
- The total number of burden **hours previously approved** is **269 hours**.
- Total number of **responses requested** for this submission is **25,426**.
- Total number of **responses previously approved** for this submission is **25,426**.
- Thus, there are **no program changes** or **adjustments** at this time and **no change** in burden.
- ****The answer to question number 12** itemizes the hourly burden associated with each requirement of this proposed rule (See pp. 8-13).

1. Circumstances that make collection of the information necessary.

Pursuant to its general statutory rulemaking authority, FRA promulgates and enforces rules as part of a comprehensive regulatory program to address all areas of railroad safety, including: railroad track, signal systems, communications, rolling stock, operating practices, passenger train emergency preparedness, alcohol and drug testing, locomotive engineer certification, and workplace safety. See 49 U.S.C. 20103 and 49 CFR 1.89. In the area of safety glazing, FRA issued regulations, generally found at part 223. FRA continually reviews its regulations and revises them as needed to ensure that the regulatory burden on the rail industry is not excessive; to clarify the application of existing requirements and remove requirements that are no longer necessary; and to keep pace with emerging technology, changing operational realities and safety concerns.

On January 18, 2011, the President issued Executive Order (EO) 13563 (Improving Regulation and Regulatory Review). EO 13563 required agencies to periodically conduct retrospective analysis of their existing rules to identify requirements that may be outmoded, ineffective, insufficient, or excessively burdensome. The EO further required

that agencies modify, streamline, expand, or repeal any problematic regulatory provisions identified during the course of their review. During FRA's retrospective analysis of part 223, the agency identified requirements related to antiquated equipment in particular as being potentially burdensome to the regulated community. The language used in these requirements was broad and not explicitly defined in the rule text, and FRA's interpretive guidance had the potential of imposing a progressively larger burden on a small segment of the industry over time. FRA's final rule, which was published on February 9, 2016, see 81 FR 6775, clarified the application of these requirements and reduced their potential economic burden on the rail industry.

Further, on May 10, 2012, the President issued Executive Order (EO) 13610 (Identifying and Reducing Regulatory Burdens). EO 13610 required agencies to take continuing steps to reassess regulatory requirements, and where appropriate, to streamline, improve, or eliminate those requirements. EO 13610 emphasized that agencies should prioritize "initiatives that will produce significant quantifiable monetary savings or significant quantifiable reductions in paperwork burdens." In response to these instructions, DOT carried out a Paperwork Reduction Act initiative that focused on identifying and eliminating paperwork burdens on the rail industry, when appropriate. FRA conducted a comprehensive review of its regulations based on the guidance provided in EO 13610 and determined that eliminating the stenciling requirement of § 223.17 was an opportunity to reduce the paperwork burden on the rail industry without adversely impacting safety. (Section 223.17 had also been identified as a candidate for elimination by EO 13563). In its 2016 final rule, FRA eliminated this stenciling requirement. Also, in addition to the changes made in response to these EOs, FRA made changes based on an RSAC recommendation addressing the application of the safety glazing standards for the next generation of high speed trainsets.

In sum, FRA revised and clarified existing regulations related to the use of glazing materials in the windows of locomotives, passenger cars, and cabooses. The agency's 2016 final rule reduced paperwork and other economic burdens on the rail industry by removing a stenciling requirement for locomotives, passenger cars, and cabooses that are required to be equipped with glazing. This final rule also clarified the application of the regulations to older equipment and to the end locations of all equipment to provide more certainty to the rail industry and more narrowly address FRA's safety concerns. In addition, this final rule clarified the definition of passenger car, updated the rule by removing certain compliance dates that are no longer necessary, and, in response to comments on the proposed rule, modified the application of the regulations to passenger cars and cabooses in a railroad's fleet that are used only for private transportation purposes and to older locomotives used in incidental freight service.

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

This information collection request is for an extension without change of the current approval. This rule and associated information collection reduce paperwork and other

economic burdens on the rail industry by removing a stenciling requirement for locomotives, passenger cars, and cabooses that are required to be equipped with certified glazing (See § 223.17). FRA deemed it no longer necessary to stencil the inside walls of locomotive cabs, passenger cars, and cabooses to indicate that the equipment contains certified glazing in compliance with this Part. FRA estimated that the removal of this requirement will save railroad hundreds of thousands of dollars.

This information is not maintained for the purpose of information collection per se. The certification, marking, and supporting testing data assures railroads and FRA that the particular type of glazing material has been tested and verified for use as either FRA Type I or Type II glazing. If this information were not required, there would be no assurance that the glazing material would meet the minimum safety requirements established under 49 CFR 223. Also, in the event of an accident or incident where glazed train windows did not meet Federal standards or proved defective, FRA would be able to identify the manufacturer of the material as well as the type or brand of material. FRA could then ensure that the railroad industry was fully aware of any problems/deficiencies regarding a particular manufacturer or type of material and take corrective action.

3. Extent of automated information collection.

The amount and type of information required does not require elaborate information processing.

The majority of glazing manufacturers required to provide this information are already utilizing modern information technology, including word processors and associated automated data storage/retrieval methods which minimize the burden of providing this information when requested. In addition, the manufacturers have apparently developed an efficient, practical, and cost effective method of marking the glazing as required.

It should be noted as well that the burden for this information collection is extremely minimal (269 hours).

4. Efforts to identify duplication.

The source of this information is unique for each separate manufacturer and, therefore, there is no known duplication of this material. Further, FRA is the sole Federal agency requiring glazing certification for windows in locomotives, rail passenger cars, and cabooses.

There is no other information available. This information is particular to each manufacturer of glazing material, and only they can provide it when requested.

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

Background

The term “small entity” is defined in 5 U.S.C. 601 (section 601). Section 601(6) defines “small entity” as having the same meaning as “the terms ‘small business’, ‘small organization’ and ‘small governmental jurisdiction’ defined in paragraphs (3), (4), and (5) of this section.” In turn, section 601(3) defines a “small business” as generally having the same meaning as “small business concern” under section 3 of the Small Business Act. This includes any small business concern that is independently owned and operated, and is not dominant in its field of operation. Next, section 601(4) defines “small organization” as generally meaning any not-for-profit enterprise that is independently owned and operated, and not dominant in its field of operations. Additionally, section 601(5) defines “small governmental jurisdiction” in general to include governments of cities, counties, towns, townships, villages, school districts, or special districts with populations less than 50,000.

The U.S. Small Business Administration (SBA) stipulates “size standards” for small entities. It provides that the largest that a for-profit railroad business firm may be (and still be classified as a “small entity”) is 1,500 employees for “Line-Haul Operating” railroads, and 500 employees for “Short-Line Operating” railroads. See “Size Eligibility Provisions and Standards,” 13 CFR part 121, subpart A.

Under exceptions provided in section 601, Federal agencies may adopt their own size standards for small entities in consultation with SBA, and in conjunction with public comment. Pursuant to the authority provided to it by SBA, FRA has published a “Final Policy Statement Concerning Small Entities Subject to the Railroad Safety Laws,” which formally establishes small entities as including, among others, the following: (1) the railroads classified by the Surface Transportation Board as Class III; and (2) commuter railroads “that serve populations of 50,000 or less.”¹ See 68 FR 24891 (May 9, 2003) codified at appendix C to 49 CFR part 209. Currently, the revenue requirements are \$20 million or less in annual operating revenue, adjusted annually for inflation. The \$20 million limit (adjusted annually for inflation) is based on the Surface Transportation Board’s threshold of a Class III railroad, which is adjusted by applying the railroad revenue deflator adjustment.² For further information on the calculation of the specific

1 “In the Interim Policy Statement [62 FR 43024 (Aug. 11, 1997)], FRA defined ‘small entity,’ for the purpose of communication and enforcement policies, the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., and the Equal Access for Justice Act 5 U.S.C. 501 et seq., to include only railroads which are classified as Class III. FRA further clarified the definition to include, in addition to Class III railroads, hazardous materials shippers that meet the income level established for Class III railroads (those with annual operating revenues of \$20 million per year or less, as set forth in 49 CFR 1201.1-1); railroad contractors that meet the income level established for Class III railroads; and those commuter railroads or small governmental jurisdictions that serve populations of 50,000 or less.” 68 FR 24892 (May 9, 2003). “The Final Policy Statement issued today is substantially the same as the Interim Policy Statement.” 68 FR 24894.

2

dollar limit, please see 49 CFR part 1201. FRA is using this definition of “small entity” for this final rule.

FRA estimates that there are 726 railroads that operate on standard gage track that is part of the general railroad system of transportation and that are, therefore, subject to Part 223, *see* 49 CFR 223.3. Of these railroads, 44 are Class I freight railroads, Class II freight railroads, commuter railroads serving populations of 50,000 or more, or intercity passenger railroads (i.e., Amtrak, a Class I railroad, and the Alaska Railroad, a Class II railroad). The remaining 681 railroads are, therefore, assumed to be small railroads for the purpose of this assessment. However, this final rule will not impact most of these railroads because locomotives acquired by small railroads are typically older Class I locomotives already equipped with compliant glazing and stenciling. Similarly, any passenger cars acquired by small railroads from intercity passenger or commuter railroads would already be equipped with compliant glazing and stenciling.

Small railroads and private car owners will likely be affected by the clarification that certain equipment more than 50 years old is considered to be antiquated and thereby excluded from part 223’s requirements when operated in specified service. As a result of this change, the economic burden of preparing and submitting waiver petitions will be reduced for railroads and private car owners for equipment that is more than 50 years old but built after 1945 and operated in a train for an excursion, educational, recreational, or private transportation purpose. FRA estimates that it would receive approximately 140

? In general, under 49 CFR 1201.1-1, the class into which a railroad carrier falls is determined by comparing the carrier’s annual inflation-adjusted operating revenues for three consecutive years to the following scale after the dollar figures in the scale are adjusted by applying the railroad revenue deflator formula:

- Class I -- \$250 million or more;
- Class II -- more than \$20 million, but less than \$250 million; and
- Class III -- \$20 million or less.

49 CFR 1201.1-1(a), (b)(1). STB’s General Instructions at 1-1 state that carriers are grouped into three classes for purposes of accounting and reporting. The three classes are as follows:

- Class I: These carriers have annual carrier operating revenues of \$250 million or more after applying STB’s railroad revenue deflator formula.
- Class II: These carriers have annual carrier operating revenues of less than \$250 million but in excess of \$20 million after applying STB’s railroad revenue deflator formula.
- Class III: These carriers have annual carrier operating revenues of \$20 million or less after applying STB’s railroad revenue deflator formula.

See also 78 FR 21007 (Apr. 8, 2013). It should be noted that there are some exceptions to this general definition of the three classes of carriers. As one important example, STB treats families of railroads as a single carrier for classification purposes when those families operate within the United States as a single, integrated rail system. 49 CFR 1201-1.1(b)(1). As another example, STB considers all switching and terminal companies to be Class III carriers, regardless of their operating revenues. 49 CFR 1201-1.1(d).

initial requests for waiver of the glazing requirements over the next five years (28 per year) if this change were not made, and the approximately 310 approved waivers of glazing requirements would also have to be renewed every five years if this change were not made. When including the avoided cost of renewing the additional 140 initial waiver requests by making this change—a total of approximately 900³ avoided waiver petitions—the total cost savings is \$240,985 over 10 years, discounted at 7 percent. Of course, the individually allocated savings to each affected railroad or private car owner will be a comparatively smaller portion of the total cost savings.

Further, for entities choosing to take advantage of the regulatory relief permitted by this change to the definition of “antiquated equipment,” FRA estimates that there may be a minimal cost burden associated with operation of such passenger cars in intercity passenger or commuter service, because they will continue to be required to have emergency windows. Some affected entities may choose to install small hammers or other small tools or implements to allow for emergency egress from passenger car windows when operated in an intercity passenger or commuter train. Hammers may be used to break these windows in case of an emergency. The population of private cars that operate in Amtrak trains is approximately 125 cars. FRA estimates that 80 percent of these cars would not have hammers or other tools already on board for emergency egress through windows. Therefore, for 100 of those private cars, car owners will have to purchase four hammers or other tools per car. That total cost will be approximately \$5,000. Additionally, a minimal cost to copy and laminate instructions for use of the hammers or other tools will also be incurred. FRA estimates this total cost to be \$1,000 (approximately \$10 per car). All of these costs will be incurred during the first year. Therefore, the present value of all total costs is approximately \$6,000. This \$6,000 cost will easily be offset by the total cost savings of \$240,985 by the definitional change to “antiquated equipment,” which is shared among all small entities. Consequently, FRA concludes that this final rule will not have a significant economic impact on a substantial number of small entities.

FRA certifies that this final rule is not expected to have a significant economic impact on a substantial number of small entities under the RFA or Executive Order 13272. Although a substantial number of small entities will be affected by this rule, none of these entities will be significantly impacted. In order to determine the significance of the economic impact for the final rule’s RFA requirements, FRA expressly invited comments on the NPRM from all interested parties concerning the potential economic impact on small entities resulting from this final rule. FRA did not receive comments on this issue.

6. Impact of less frequent collection of information.

If this information collection were not conducted, rail safety throughout the U.S. might be

³ A total of approximately 900 waiver petitions would be avoided: 140 initial petitions in the first five years + 140 initial petitions renewed in the next five years + 310 approved waiver petitions renewed in the first five years + 310 approved waiver petitions renewed in the next five years.

significantly hindered. Specifically, if this information collection were not conducted, neither FRA nor the railroads could be assured that units of glazing material installed on freight cars, passenger cars, and cabooses met Federal safety standards. If such glazing material did not meet Federal standards and were installed on passenger or freight trains, the safety of train crews and the traveling public might be seriously jeopardized. In particular, train crews and passengers might suffer greater injuries – possibly even fatalities – in cases where projectiles hit trains traveling at a high rate of speed and the glazing material of these windows could not withstand the impact or in the event of an accident/incident where substandard glass shattered.

Also, the collection of information ensures that FRA and railroads can identify the manufacturer and type of various glazed materials. In the event of the discovery of defective or substandard glazed material, FRA could ensure that the entire railroad community is fully informed of any problems/deficiencies regarding a particular manufacturer or type of material, and that appropriate action is taken, such as finding another manufacturer or different type of glazed material, so as to protect both train crews and the traveling public. The collection of information facilitates the accomplishment of FRA’s primary mission, which is to promote and enhance railroad safety throughout the nation.

7. **Special circumstances.**

All information collection requirements are in compliance with this section.

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

FRA published the required 60-day **Federal Register** Notice on **December 3, 2018**. See 83 FR 62399. FRA received **no** comments in response to this Notice.

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

There are no monetary payments or gifts made to respondents associated with the information collection requirements contained in this regulation.

10. **Assurance of confidentiality.**

This is not an information collection per se, and no confidentiality is promised any respondent.

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

Again, this is not an information collection activity per se. The record-keeping does not

involve information of a personal nature.

12. Estimate of burden hours for information collected.

Note: There are approximately four (4) manufacturers of locomotives/cars and approximately five (5) manufacturers of glass for locomotives, cabooses, and passenger cars. According to the most recent reporting data in FRA's database, there are approximately 741 railroads operating in the United States on the general system of transportation. Of these, approximately 692 are Class III railroads. The rule affects only the Class III railroads. FRA has consulted with both the rule economist and the agency staff director responsible for Part 223 compliance to determine burden estimates/ any changes to burden estimates from the last approved submission.

223.3 Application

(c) Except as provided in paragraph (b)(3) of this section, this paragraph (c) applies, as specified, to each locomotive, passenger car, and caboose built after 1945 that is more than 50 years old and is used only for excursion, educational, recreational, or private transportation purposes.

(1) Each such passenger car must comply with the emergency window requirements contained in § 223.9(c) or § 223.15(c), as appropriate, when it is occupied and operates in an intercity passenger or commuter train subject to Part 238 of this Chapter. A tool or other instrument may be used to remove or break an emergency window if the tool or other instrument is clearly marked and legible and understandable instructions are provided for its use.

FRA estimates that this requirement will affect approximately 100 railroad cars. Each car will have a minimum of four (4) emergency windows. A total of 400 windows then will need to have tools (usually a small hammer) marked with clear and legible instructions on how to use them mounted near the emergency window. It is estimated that it will take approximately 15 minutes to mark each hammer with instructions and another 15 minutes to mount the hammer with instructions on the wall near the emergency window. Total annual burden for this requirement is 200 hours.

Respondent Universe:	692 railroads
Burden time per response:	30 minutes
Frequency of Response:	On occasion
Annual number of Responses:	400 marked tools (small hammers) with instructions
Annual Burden:	

200

Annual Cost:

hours

See
answer
to
questio
n 13
below

Calculation:

400 marked tools with instructions x
30 min. = 200 hours

§ 223.11 – Requirements for Existing Locomotives

- A. (c) Except for yard locomotives and locomotives equipped as described in paragraphs (a) and (b) of this section, locomotives built or rebuilt prior to July 1, 1980, shall be equipped with certified glazing in all locomotive cab windows.

This requirement essentially affects short line railroads that purchase/have purchased locomotives from Class I railroads or large Class II railroads. In total, FRA estimates that approximately 150 locomotives would be impacted by the above requirement. However, these 150 locomotives are already compliant with the above requirement or the railroads owning these 150 locomotives already have FRA approved waivers granted under 49 CFR 209.11. Consequently, there is no additional burden associated with this requirement.

- B. (d) Except for yard locomotives, each locomotive that has a locomotive cab window that is broken or damaged so that the window fails to permit good visibility shall be —

- (1) Placed in Designated Service within 48 hours of the time of breakage or damage; or

FRA estimates that approximately 15 locomotives with broken or damaged cab windows will be placed in Designated Service within 48 hours of the time of breakage or damage under the above requirement. It is estimated that it will take approximately 30 seconds to place each locomotive in Designated Service. Total annual burden for this requirement is 0.125 hour.

Respondent Universe:	692 Railroads
Burden time per response:	30 seconds
Frequency of Response:	On occasion

Annual number of Responses: 15 locomotives placed in Designated Service
Annual Burden: 0.125 hour
Annual Cost: See answer to question 13 below

Calculation: 15 locomotives placed in Designated Service x 30 sec.
0.125 hour.

(2) Removed from service until the broken or damaged window is replaced with certified glazing.

Certified glazing for locomotive replacement windows is done instantly at the time of manufacturing. Consequently, there is no burden associated with this requirement.

Total annual burden for this entire requirement is 0.125 hour.

§ 223.13 - Requirements for Existing Cabooses

- A. (c) Except for yard cabooses and cabooses equipped as described in paragraphs (a) and (b) of this section, cabooses built or rebuilt prior to July 1, 1980, shall be equipped with certified glazing in all windows.

As noted previously, this requirement essentially affects short line railroads. In total, FRA estimates that approximately 35 cabooses would be impacted by the above requirement. However, 35 cabooses are already compliant with the above requirement or the railroads owning these 35 cabooses already have FRA approved waivers granted under 49 CFR 209.11. Consequently, there is no additional burden associated with this requirement.

- B. (d) Except for yard cabooses, each caboose that has a window that is broken or damaged so that the window fails to permit good visibility shall be removed from service until the broken or damaged window is replaced with certified glazing.

Certified glazing for caboose replacement windows is done instantly at the time of manufacturing. Consequently, there is no burden associated with this requirement.

§ 223.15 – Requirements for Existing Passenger Cars

- A. (c) Except for passenger cars described in paragraphs (a) and (b) of this section, passenger cars built or rebuilt prior to July 1, 1980, shall be equipped with certified glazing in all windows and a minimum of four emergency windows.

As noted previously, this requirement essentially affects short line railroads. Any

passenger cars affected by this requirement are already compliant or already have FRA approved waivers granted under 49 CFR 209.11. Consequently, there is no additional burden associated with this requirement.

- B. (d) Each passenger car that has a window that is broken or damaged so that the window fails to permit good visibility shall be removed from service until the broken or damaged window is replaced with certified glazing.

Certified glazing for passenger car replacement windows is done instantly at the time of manufacturing. Consequently, there is no burden associated with this requirement.

§ 223.17 - Identification of Equipped Locomotives, Passenger Cars, and Caboose

Each locomotive, passenger car, and caboose that is fully equipped with glazing materials that meets the requirements of this Part must be stenciled on an interior wall as follows: “Fully equipped FRA Part 223 glazing” or similar words conveying that meaning in letters at least 3/8 inch high.

This requirement was eliminated in the revised rule. Consequently, there is no additional burden associated with this requirement.

§ 223.17 - Appendix A

As provided in this Part, certified glazing materials installed in locomotives, passenger cars, or cabooses must be certified by the glazing manufacturer in accordance with the following procedures:

(a) General Requirements. (1) Each manufacturer that provides glazing materials, intended by the manufacturer for use in achieving compliance with the requirements of this Part, shall certify that each type of glazing material being supplied for this purpose has been successfully tested in accordance with this appendix and that test verification data is available to a railroad or to FRA upon request; (2) The test verification data shall contain all pertinent original data logs and documentation that the selection of material samples, test set-ups, test measuring devices, and test procedures were performed by qualified personnel using recognized and acceptable practices and in accordance with this appendix.

(b) Testing Requirements. (1) The material to be tested (Target Materials) shall be a full scale sample of the largest dimension intended to be produced and installed; (2) The Target Material shall be representative of production material and shall be selected on a documented random choice basis . . . (b)(16) After successful completion of the prescribed set of required consecutive tests, a manufacturer may certify in writing that a particular glazing material meets the requirements of these standards.

There are approximately five (5) manufacturers of glazing materials. FRA estimates that each manufacturer will receive approximately two (2) requests per year (or a total of 10) for glazing certification information from the railroads and/or FRA. These figures are based on conversations with knowledgeable FRA staff. It is estimated that it will take approximately 15 minutes (on average) to respond to a certification request. Total annual burden for this requirement is three (3) hours.

Respondent Universe:	5 manufacturers
Burden time per response:	15 minutes
Frequency of Response:	On occasion
Annual number of Responses:	10 requests
Annual Burden:	

3 hours

Annual Cost: *See answer to question 13 below*

Calculation: 10 requests x 15 min. = 3 hours

c. Material Identification. (1) Each individual unit of glazing material must be permanently marked, prior to installation, to indicate that this type of material has been successfully tested as set forth in this appendix and that marking must be done in such a manner that it is clearly visible after the material has been installed; (2) Each individual unit of glazing material that has successfully passed the Type I testing regimen must be marked to indicate: (i) "FRA Type I" material; (ii) the manufacturer of the material; (iii) the type or brand identification of the material; (3) each individual unit of a glazing material that has successfully passed the Type II testing regimen must be marked to indicate: (i) "FRA Type II" material ; (ii) the manufacturer of the material; and (iii) the type or brand identification of the material.

FRA estimates that approximately 25,000 pieces of glass will be identified each year. It is estimated that approximately 480 pieces per hour will be appropriately marked. Total annual burden for this requirement is 52 hours.

Respondent Universe:	5 manufacturers
Burden time per response:	480 pieces per hour
Frequency of Response:	On occasion
Annual number of Responses:	25,000 pieces of glass
Annual Burden:	52 hours

Annual Cost: See answer to
question 13 below

Calculation: 25,000 pieces of glass ÷ 480 p/hr. = 52 hours

Approximately every five years, a new manufacturer is added, or a current manufacturer tests a new material. FRA estimates that it will take approximately 70 man-hours to conduct the necessary tests, and produce the required test verification data. Total annual burden for this requirement is 14 hours (70 hours divided by 5 years).

Respondent Universe:	5 manufacturers
Burden time per response:	14 hours (5 yr. average)
Frequency of Response:	On occasion
Annual number of Responses:	1 test
Annual Burden:	14 hours
Annual Cost:	See answer to question 13 below

Calculation: 1 test x 14 hrs. = 14 hours

Total annual burden for this information collection requirement is 69 hours (0.125 + 3 + 52 + 14).

Total annual burden for this entire information collection is **269 hours** (200 + 0.125 + 3 + 52 + 14).

13. Estimate of total annual costs to respondents.

Total estimated cost to the respondents for certification of glazing material is based on the annual cost for providing the certification information to either the railroad or FRA; the manufacturers annual cost associated with marking the individual glazing pieces; and a portion of the cost associated with the testing and certification of new glazing material.

The glazing certification testing for the majority of the existing manufacturers was performed at government expense by FRA at the Transportation Test Center in Pueblo, Colorado. There have been no new certification tests conducted in the last several years to our knowledge. FRA anticipates, however, that approximately every five years a new manufacturer of glazing will be added or a current manufacturer will test a new material and conduct certification tests. The estimated cost is \$7,000 total for Type I and Type II certification (material). Since FRA anticipates that this will only occur once every five years, the total annual cost associated with certification testing will be **\$1,400** (\$7,000 divided by 5).

The estimated annual cost to the glazing manufacturers in providing certification

information when requested includes the cost to store the results from proof testing in addition to the cost to prepare and forward a statement of certification, including a copy of the test results. Several of the glazing manufacturers have pre-printed copies of the test results which are available upon request; some are included as part of sales promotion information packets. The average annual cost to the respondents to maintain and provide certification information is estimated to be **\$3,000** (costs for printing/copying and mailing test data).

The estimated annual cost to the glazing manufacturers associated with marking each piece of glazing includes the cost necessary to prepare the marking labels along with recordkeeping associated with retaining the required marking information. No additional cost is estimated to affix the label in the material since this is accomplished in conjunction with normal manufacturing processes and requires no special setup time or delays. The average estimated annual cost to the respondents for glazing marking is **\$750**, which includes the cost for marking material (25,000 labels at \$.03 each).

This is also an additional cost under this rule. Under the requirement in § 223.3(c), car manufacturers will incur a cost of \$15 for each small hammer marked with instructions (\$10 per hammer + \$5 for instructions) mounted near each emergency windows of the 100 affected cars. This cost comes to **\$6,000** (400 emergency windows with marked tools x \$15).

The total estimated annual **cost to respondents** is **\$11,150** (1,400 + 3,000 + 750 + 6,000).

14. Estimate of Cost to Federal Government.

Currently, there is no cost to the Federal Government in connection with the certification of glazing materials.

15. Explanation of program changes and adjustments.

The total burden requested for this information collection request is **269 hours** and the total number of **responses** is **25,426**. The total burden previously approved by OMB is **269 hours**, and the total number of **responses** is **25,426**. Thus, there are no **program changes** or **adjustments** to account for at this time.

The total burden hours remains the same from the last approved submission.

Additionally, there is no change in cost to respondents.

16. Publication of results of data collection.

This is not an information collection activity per se, and the agency does not plan to

publish this information for statistical use.

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

Once OMB approval is received, 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 main DOT strategic goal, namely transportation safety. Without this collection of information, rail safety throughout the U.S. might be significantly impeded. Specifically, the safety of train crews and the traveling public might be jeopardized because units of glazing material were installed on the windows of freight, passenger cars, and cabooses which did not meet Federal safety standards. If such glazing materials were used, train crews and passengers might suffer greater injuries – possibly higher fatalities – in the event of an accident/incident where substandard or defective glass shattered. Also, train crews and passengers might suffer significant injuries – possibly even fatalities – in cases where projectiles hit trains traveling at a high rate of speed, and the glazing material of these windows could not withstand the impact.

The collection of information promotes safety by assuring railroads and FRA that the glazing materials used on the windows of every passenger car, freight car, and caboose have been tested and meet Federal safety standards. The collection of information further promotes safety by providing FRA and railroads with the name of the manufacturer and the type of material should problems/deficiencies arise with a given glazing material. In the event defective glazing material is discovered, FRA could then apprise the entire railroad community so that they could take appropriate action to protect passengers and train crews.

In summary, this collection of information enhances railroad safety by providing an additional layer of protection relating to a key component of all locomotives, passenger

cars, and freight cars that comprise the totality of passenger and freight movement in this country. It furthers DOT's goal of promoting the public health and safety by working toward the elimination of transportation-related deaths, injuries, and property damage.

In this information collection, as in all its information collection activities, FRA seeks to do its utmost to fulfill DOT Strategic Goals and to be an integral part of One DOT.