

**Department of Transportation  
Office of the Chief Information Officer  
Supporting Statement**

Flammable Hazardous Materials by Rail Transportation  
OMB Control No. 2137-0628

(Expiration Date: March 31, 2019)

**Introduction**

The U. S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (PHMSA) requests the Office of Management and Budget (OMB) 3-year renewal with change of the information collection titled, “Flammable Hazardous Materials by Rail Transportation.” This information collection originated from the May 8, 2015, final rule titled, “Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains (HHFTs)” [PHMSA-2012-0082].

This revision in this information collection is due to the new burden associated with the requirements for the creation of oil spill response plans and notification requirements for the movement of flammable liquids by rail. The new burden was a result of a final rule published on February 28, 2019, titled “Hazardous Materials: Oil Spill Response Plans and Information Sharing of High-Hazard Flammable Trains” [HM-251B; PHMSA-2014-0105].

**Part A. Justification**

1. Circumstances that make collection of information necessary.

This is a request for a 3-year renewal with change for reporting and recordkeeping requirements pertaining to the creation of oil spill response plans and notification requirements for the movement of flammable liquids by rail.

Expansion in United States energy production has led to significant challenges in the transportation system. Specifically, the expansion in oil production has led to increasing volumes of product being transported to refineries. With a growing domestic supply, rail transportation has emerged as a flexible alternative to transportation by pipeline or vessel. However, the increase in shipments of large quantities of flammable liquids by rail has led to an increase in the number of train accidents, which pose a significant safety and environmental concern. This increase in the number of shipments transporting oil by rail—and the corresponding increase in train accidents—makes it necessary for PHMSA to adopt regulations that collect specific information about shipments of oil by rail to ensure public safety.

These regulations are promulgated under the Federal hazardous materials transportation law, 49 U.S.C. 5101–5127.

HM-251B: “Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains”

On February 28, 2019, PHMSA, in coordination with the Federal Railroad Administration (FRA), published a final rule titled “Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains” [HM-251B; 84 FR 6910], in order to finalize requirements to improve oil spill response readiness and mitigate effects of rail incidents involving petroleum oil and certain high-hazard flammable trains (HHFTs). This final rule results in an increase in annual burden and costs under OMB Control No. 2137-0682 due to requirements pertaining to the creation of comprehensive oil spill response plans and notification requirements for the movement of flammable liquids by rail.

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

Rail carriers, shippers, PHMSA’s Office of Hazardous Materials Safety (OHMS), the FRA, and the Association of American Railroads (AAR) may use this information to ensure rail tank cars transporting flammable liquids are properly classified, ensure trains are routed appropriately, and ensure all relevant incident data is collected.

49 CFR Part 130 Subpart C: Comprehensive Oil Spill Response Plans

This subpart details the requirements for a comprehensive oil spill response plan (COSRP). This is required for railroads who transport any liquid petroleum oil or other non-petroleum oil subject to part 130 in a quantity greater than 42,000 gallons (1,000 barrels) per packaging, a single train carrying 20 or more loaded tank cars of liquid petroleum oil in a continuous block, or a single train carrying 35 or more loaded tank cars of liquid petroleum oil throughout the train consist.

The COSRP, as indicated in § 130.105, must include resources and procedures, for responding, to the maximum extent practicable, to a worst-case discharge, and to a substantial threat of such a discharge, of oil. The plan must use and be consistent with the core principle of the National Incident Management System (NIMS) including the utilization of the Incident Command System (ICS).

If a plan has more than one response zone, the COSRP must include a core plan with an information summary and information that does not change between response zones. Section 173.120 requires the core plan include:

- The name and mailing address of the railroad;
- A listing and description of each response zone, including county(s) and State(s); and
- The name or title of the qualified individual(s) and alternate(s) for each response zone, with telephone numbers at which they can be contacted on a 24-hour basis.

For each response zone included in the response plan, a response zone appendix must be included that provides the information summary and any additional information that differs

between response zones or is not included in the core plan. Section 173.120 requires the response zone appendix or appendices include:

- The name and mailing address of the railroad;
- A description of the response zone, including county(s) and State(s);
- The name or title of the qualified individual(s) and alternate(s) for the response zone, with telephone numbers at which they can be contacted on a 24-hour basis;
- The type(s) of oil expected to be carried; and
- Determination of the worst-case discharge and supporting calculations.

Furthermore, each response zone appendix must identify the following:

- A description of the response zone, including county(s) and state(s);
- A list of route sections contained in the response zone, identified by railroad milepost or other identifier;
- Identification of environmentally sensitive or significant areas per route section as determined by § 130.115; and
- The location from which the Oil Spill Removal Organization will deploy, and the location and description of the response equipment required by § 130.130(c)(6).

The COSRP must comply with State law or regulation as well as including a list of the names or titles and 24-hour telephone numbers of the qualified individual(s) and at least one alternate qualified individual(s) and a certification and documentation that that railroad has identified and secured, through contract or other approved means, the private personnel and equipment necessary to respond to a worst-case discharge or a substantial threat of such a discharge.

Lastly, in accordance with § 130.145, each railroad must maintain their COSRP either in a hardcopy or electronic format at their principal place of business, a copy with each qualified individual and alternate, and each dispatcher in response zones identified in the plan. The plan must be updated to address new or different conditions or information and review its plan in full at least every 5 years from the date of the last approval. PHMSA requires submission and approval of the COSRP, as outlined in § 173.150.

#### 49 CFR 171.16: Incident reporting

The HMR currently require incident reports to be submitted in accordance with § 171.16, which includes requiring carriers of HHFTs to file an incident report for a release of product during transportation. PHMSA has included an increase in incident reports due to an increase in the number of shipments of crude oil by rail.

#### 49 CFR Part 173.41: Sampling and testing program for unrefined petroleum-based products

Section 173.41 requires a sampling and testing program for mined gases and liquids, including crude oil. A sampling and testing program is used to ensure that shipments of mined gases and liquids, including crude oil, are shipped in the appropriate rail car. This section requires a sampling and testing program that specifies the following, at a minimum:

- A frequency of sampling and testing that accounts for any appreciable variability of the material (*e.g.*, history, temperature, method of extraction [including chemical use], location of extraction, time of year, length of time between shipments);
- Sampling prior to the initial offering of the material for transportation and when changes that may affect the properties of the material occur (*i.e.*, mixing of the material from multiple sources, or further processing and then subsequent transportation);
- Sampling methods that ensure a representative sample of the entire mixture, as offered, is collected;
- Testing methods that enable classification of the material under the HMR;
- Quality control measures for sample frequencies;
- Duplicate sampling methods or equivalent measures for quality assurance;
- Criteria for modifying the sampling and testing program; and
- Testing or other appropriate methods used to identify properties of the mixture relevant to packaging requirements (*e.g.*, compatibility with packaging, identifying specific gravity for filling packages).

49 CFR Part 174.310(a)(1): Requirements for the operation of high-hazard flammable trains – Routing

Section 174.310(a)(1) requires rail carriers to conduct a routing and safety security analysis for HHFTs related to crude oil transportation, in accordance with part 172, subpart I. Specifically, PHMSA is requiring rail carriers to compile annual data on specified shipments of hazardous materials; use the data to analyze safety and security risks along rail routes where those materials are transported; assess alternative routing options; and make routing decisions based on those assessments. This data will in turn be used by State and/or regional Fusion Centers that: (1) have been established to coordinate with State, local, and tribal officials on security issues; and (2) are located within the area encompassed by the rail carriers rail system.

49 CFR Part 173.310(a)(5): Requirements for the operation of high-hazard flammable trains – Retrofitting Progress

The HM-251 Final Rule [80 FR 71952] published on November 18, 2015, established a January 1, 2017, deadline for retrofitting non-jacketed DOT-111 tank cars in PG I service. Owners of non-jacketed DOT-111 tank cars in Packing Group I service in an HHFT, who are unable to meet the January 1, 2017, deadline, are required to submit a report to DOT with the following information regarding the retrofitting progress:

- The total number of tank cars retrofitted to meet the DOT-117R specification;
- The total number of tank cars built or retrofitted to meet the DOT-117P specification;
- The total number of DOT-111 tank cars (including those built to CPC-1232 industry standard) that have not been modified; and
- The total number of tank cars built to meet the DOT-117 specification.

PHMSA uses this information to ensure that the transition of tank cars to the new specification occurs in a timely manner.

## 49 CFR Part 174.312: HHFT information sharing notification for emergency response planning

Section 174.312 requires railroads operating high-hazard flammable trains (HHFT) to notify each State Emergency Response Commission (SERC), Tribal Emergency Response Commission (TERC), or other appropriate State-delegated agency with the following information:

- A reasonable estimate of the number of HHFTs that the railroad expects to operate each week, through each county within the State or through each tribal jurisdiction;
- The routes over which the HHFTs will operate;
- A description of the hazardous materials being transported and all applicable emergency response information required by subparts C and G of part 172 of this subchapter;
- An HHFT point of contact: At least one point of contact at the railroad (including name or email address, title, phone number and address) who has knowledge of the railroad's transportation of affected trains and who is responsible for serving as the point of contact for the SERC, TERC, or other State or tribal agency responsible for receiving the information; and
- If a route identified in paragraph (b)(2) of this section is additionally subject to the comprehensive spill plan requirements in subpart C of part 130 of this chapter, the information must include a description of the response zones (including counties and states) and the contact information for the qualified individual and alternate, as specified under § 130.120(c) of this chapter.

The HHFT notification must be maintained and transmitted in accordance with the following:

- Railroads must update the notifications for changes in volume greater than 25%.
- Notifications and updates may be transmitted electronically or by hard copy.
- If the disclosure includes information that a railroad believes is security sensitive or proprietary and exempt from public disclosure, the railroad should indicate that in the notification.
- Each point of contact must be clearly identified by name or title, and contact role (e.g., qualified individual, HHFT point of contact) in association with the telephone number. One point of contact may fulfill multiple roles.
- Copies of the railroad's notifications made under this section must be made available to the Department of Transportation upon request.

### 3. Extent of automated information collection.

PHMSA has made this burden as simple as possible and requests information that is necessary to ensure safe operation. Specifically, this information is considered critical in ensuring that rail cars containing crude oil are transported safely. The Government Paperwork Elimination Act directs agencies to allow the option of electronic filing and recordkeeping by October 2003, when practicable. PHMSA and the FRA authorize electronic filing and recordkeeping, nonetheless requiring these records to be available upon request.

4. Efforts to identify duplication.

There is no duplication as the information is unique to specific situations. Each response is unique, and information derived from one may not be inferred to another. PHMSA has done its best effort to avoid duplication, while still ensuring that all requirements comply with application State requirements.

5. Efforts to minimize the burden on small businesses.

PHMSA periodically reviews the collection of this information to ensure that the amount of information needed is kept to a minimum.

6. Impact of less frequent collection of information.

Those most affected (i.e., the offerors and shippers of crude oil by rail) determine the frequency of the collection of information. It is not possible to conduct the collection less frequently and still ensure the necessary level of safety to life and property inherent in transporting hazardous materials. The information collected is essential for both PHMSA and the FRA to ensure the safe transportation of crude oil by rail. Without adequate testing data, PHMSA and the FRA cannot ensure that crude oil is properly classified and packaged in accordance with the HMR. In addition, without proper routing analysis, States and local emergency responders may not have the adequate information to respond to a major incident involving crude oil transportation.

7. Special circumstances.

This collection of information is generally conducted in a manner consistent with the guidelines in 5 CFR 11320.5(d)(2).

8. Compliance with 5 CFR 1320.8.

PHMSA and the FRA published an NPRM under Docket No. PHMSA-2014-0105 on July 29, 2016, in the Federal Register [81 FR 50067] requesting public comments. The comment period closed on September 27, 2016. PHMSA received no comments directly associated with the numbers presented in these information collections.

PHMSA and the FRA published a Final Rule under Docket No. PHMSA-2014-0105 on February 28, 2016, in the Federal Register [84 FR 6910].

9. Payments or gift to respondents.

This collection of information provides no payment or gift to respondents.

10. Assurance of confidentiality.

None of the data collected contain personally identifiable information (PII) or business confidential information. Therefore, PHMSA provides no guarantees of confidentiality to applicants.

11. Justification for collection of sensitive information.

Not applicable. This collection of information requires no sensitive information.

12. Estimate of burden hours for information requested.

<u>Total Annual Responses</u>	<u>Total Burden Hours</u>	<u>Total Burden Cost</u>	<u>Total Salary Cost</u>
4,449	77,195	\$0	\$5,415,651.99

## **Part 130, Subpart C – Comprehensive Oil Spill Response Plans (COSRP)**

Section 130.120 details requirements for the COSRP. There is a large burden associated with this requirement, as all railroads meeting the applicability must develop a COSRP. After the first year, this burden will decrease as only railroads that meet the threshold will be subject to creating a COSRP; railroads who have already developed a COSRP will just be required to maintain and periodically review their plan. PHMSA estimates that currently there are 7 Class I railroads, 11 Class II railroads, and 55 Class III railroads subject to the COSRP requirements.<sup>1</sup> PHMSA distinguishes the workload for developing a COSRP between Senior Management burden, Administrative Support burden, and Mid-Level Staff burden for each Class of Railroads. The COSRP is also divided between the development of the core plan and response zone appendix or appendices.

### Core Plan

For Class I Railroads, PHMSA estimates, after consultation with various stakeholders, that Senior Management spends 40 hours developing the core plan, Administrative Support spends

<sup>1</sup> PHMSA narrowed the affected entities to only include railroads that transport crude oil and, in consultation with FRA, revised the estimated number of Class III carriers that are subject to the rulemaking. FRA provided PHMSA with this estimate based on 2013 STB confidential waybill sample and FRA inspector observations of High Hazard Flammable Train (HHFT) crude oil train movements. PHMSA believes the estimated number of Class III impacted railroads is a conservative estimate and subject to uncertainty as not all Class III railroads submit their carload waybills for inclusion in the STB waybill sample report. Based on this assessment, PHMSA estimates there are 73 railroads (7 Class I, 11 Class II, and 55 Class III) that would be subject to this information collection burden.

40 hours developing the core plan, and Mid-Level staff spend 100 hours developing the core plan, for a total of 180 burden hours per railroad (40 hours + 40 hours + 100 hours). PHMSA estimates there are 7 Class I railroads subject to the core plan, for a total of 1,260 burden hours (7 Class I Railroads x 180 burden hours). PHMSA does not estimate any out-of-pocket expenses. A Senior Management salary of \$86.90<sup>2</sup> per hour, costs a total of \$24,332 for all Class I railroads (280 burden hours x \$86.90). For Administrative Support with a salary of \$41.82<sup>3</sup> per hour, costs a total of \$11,709.60 for all Class I Railroads (280 burden hours x \$41.82). And for Mid-Level staff with a salary of \$42.20<sup>4</sup> per hour costs \$29,540 for all Class I Railroads (700 burden hours x \$41.82). In total, the core plan costs a total of \$65,581.60 in salary costs for Class I Railroads (\$24,332 + \$11,709.60 + \$29,540).

Core Plan – Development – Class I Railroads	Section	Respondent s	Annual Responses per Respondent	Annual Response s	Hours per Response	Total Burden Hours	Burden Cost	Salary Cost per Hour	Total Salary Cost
Senior		7	1	7	40	280	\$0	\$86.90	\$24,332.00
Administrative		7	1	7	40	280	\$0	\$41.82	\$11,709.60
Mid-Level		7	1	7	100	700	\$0	\$42.20	\$29,540.00
<b>Total</b>	Part 130 Subpart C	7		7	<b>180</b>	<b>1,260</b>	<b>\$0</b>		<b>\$65,581.60</b>

For Class II Railroads, PHMSA estimates, after consultation with various stakeholders, that Senior Management spends 40 hours developing the core plan, Administrative Support spends 40 hours developing the core plan, and Mid-Level staff spend 100 hours developing the core plan, for a total of 180 burden hours per railroad (40 hours + 40 hours + 100 hours). PHMSA estimates there are 11 Class II railroads subject to the core plan, for a total of 1,980 burden hours (11 Class II Railroads x 180 burden hours). PHMSA does not estimate any out-of-pocket expenses. A Senior Management salary of \$86.90<sup>5</sup> per hour, costs a total of \$38,236 for all

<sup>2</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “General and Operations Managers (11-1021).” <https://www.bls.gov/oes/current/oes111021.htm> The hourly mean wage for this occupation (\$59.35) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<sup>3</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “Executive Secretaries and Administrative Assistants (43-6011).” <https://www.bls.gov/oes/current/oes436011.htm> The hourly mean wage for this occupation (\$28.56) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<sup>4</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “Rail Transportation Worker, all other (53-4099).” <https://www.bls.gov/oes/current/oes436011.htm> The hourly mean wage for this occupation (\$28.56) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<sup>5</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “General and Operations Managers (11-1021).” <https://www.bls.gov/oes/current/oes111021.htm> The hourly mean wage for this occupation (\$59.35) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of

Class II railroads (440 burden hours x \$86.90). For Administrative Support with a salary of \$41.82<sup>6</sup> per hour, costs a total of \$18,400.80 for all Class II Railroads (440 burden hours x \$41.82). And for Mid-Level staff with a salary of \$42.20<sup>7</sup> per hour costs \$46,420 for all Class II Railroads (1,100 burden hours x \$41.82). In total, the core plan costs a total of \$103,056.80 in salary costs for Class II Railroads (\$38,236 + \$18,400.80 + \$46,420).

<b>Core Plan – Development – Class II Railroads</b>	<b>Section</b>	<b>Respondents</b>	<b>Annual Responses per Respondent</b>	<b>Annual Responses</b>	<b>Hours per Response</b>	<b>Total Burden Hours</b>	<b>Burden Cost</b>	<b>Salary Cost per Hour</b>	<b>Total Salary Cost</b>
Senior		11	1	11	40	440	\$0	\$86.90	\$38,236.00
Administrative		11	1	11	40	440	\$0	\$41.82	\$18,400.80
Mid-Level		11	1	11	100	1,100	\$0	\$42.20	\$46,420.00
<b>Total</b>	Part 130 Subpart C	<b>11</b>		<b>11</b>	<b>180</b>	<b>1,980</b>	<b>\$0</b>		<b>\$103,056.80</b>

For Class III Railroads, PHMSA estimates, after consultation with various stakeholders, that Senior Management spends 40 hours developing the core plan, Administrative Support spends 40 hours developing the core plan, and Mid-Level staff spend 100 hours developing the core plan, for a total of 180 burden hours per railroad (40 hours + 40 hours + 100 hours). PHMSA estimates there are 55 Class III railroads subject to the core plan, for a total of 9,900 burden hours (55 Class III Railroads x 180 burden hours). PHMSA does not estimate any out-of-pocket expenses. A Senior Management salary of \$86.90<sup>8</sup> per hour, costs a total of \$191,180 for all Class III railroads (2,200 burden hours x \$86.90). For Administrative Support with a salary of \$41.82<sup>9</sup> per hour, costs a total of \$92,004 for all Class III Railroads (2,200 burden hours x \$41.82). And for Mid-Level staff with a salary of \$42.20<sup>10</sup> per hour costs \$232,100 for all

total compensation (total wage = wage rate/wage % of total compensation).

<sup>6</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “Executive Secretaries and Administrative Assistants (43-6011).” <https://www.bls.gov/oes/current/oes436011.htm> The hourly mean wage for this occupation (\$28.56) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<sup>7</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “Rail Transportation Worker, all other (53-4099).” <https://www.bls.gov/oes/current/oes436011.htm> The hourly mean wage for this occupation (\$28.56) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<sup>8</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “General and Operations Managers (11-1021).” <https://www.bls.gov/oes/current/oes111021.htm> The hourly mean wage for this occupation (\$59.35) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<sup>9</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “Executive Secretaries and Administrative Assistants (43-6011).” <https://www.bls.gov/oes/current/oes436011.htm> The hourly mean wage for this occupation (\$28.56) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<sup>10</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “Rail Transportation Worker, all other (53-4099).” <https://www.bls.gov/oes/current/oes436011.htm> The hourly mean wage for this occupation (\$28.56) is adjusted to reflect the total costs of employee compensation based on the BLS

Class III Railroads (2,200 burden hours x \$41.82). In total, the core plan costs a total of \$515,2840 in salary costs for Class III Railroads (\$191,180 + \$92,004 + \$232,100).

<b>Core Plan – Development – Class III Railroads</b>	<b>Section</b>	<b>Respondents</b>	<b>Annual Responses per Respondent</b>	<b>Annual Responses</b>	<b>Hours per Response</b>	<b>Total Burden Hours</b>	<b>Burden Cost</b>	<b>Salary Cost per Hour</b>	<b>Total Salary Cost</b>
Senior		55	1	55	40	2,200	\$0	\$86.90	\$191,180.00
Administrative		55	1	55	40	2,200	\$0	\$41.82	\$92,004.00
Mid-Level		55	1	55	100	5,500	\$0	\$42.20	\$232,100.00
<b>Total</b>	Part 130 Subpart C	55		55	180	9,900	\$0		<b>\$515,284.00</b>

### Response Zone Appendix or Appendices

For Class I Railroads, PHMSA estimates, after consultation with various stakeholders, that Senior Management spends 40 hours developing the response zone appendix or appendices, Administrative Support spends 40 hours developing the response zone appendix or appendices, and Mid-Level staff spend 100 hours developing the response zone appendix or appendices, for a total of 180 burden hours per railroad (40 hours + 40 hours + 100 hours). PHMSA estimates there are 7 Class I railroads subject to 8 response zone appendix or appendices, for a total of 10,080 burden hours (7 Class I Railroads x 8 response zones x 180 burden hours). PHMSA does not estimate any out-of-pocket expenses. A Senior Management salary of \$86.90<sup>11</sup> per hour, costs a total of \$194,656.00 for all Class I railroads (2,240 burden hours x \$86.90). For Administrative Support with a salary of \$41.82<sup>12</sup> per hour, costs a total of \$93,676.80 for all Class I Railroads (2,240 burden hours x \$41.82). And for Mid-Level staff with a salary of \$42.20<sup>13</sup> per hour costs \$236,320.00 for all Class I Railroads (5,600 burden hours x \$41.82). In total, the response zone appendix or appendices costs a total of \$524,652.80 in salary costs for Class I Railroads (\$194,656.00 + \$93,678.80 + \$236,320.00).

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Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<sup>11</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “General and Operations Managers (11-1021).” <https://www.bls.gov/oes/current/oes111021.htm> The hourly mean wage for this occupation (\$59.35) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<sup>12</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “Executive Secretaries and Administrative Assistants (43-6011).” <https://www.bls.gov/oes/current/oes436011.htm> The hourly mean wage for this occupation (\$28.56) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<sup>13</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “Rail Transportation Worker, all other (53-4099).” <https://www.bls.gov/oes/current/oes436011.htm> The hourly mean wage for this occupation (\$28.56) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<b>Response Zones – Development – Class I Railroads</b>	<b>Section</b>	<b>Respondents</b>	<b>Annual Responses per Respondent</b>	<b>Annual Responses</b>	<b>Hours per Response</b>	<b>Total Burden Hours</b>	<b>Burden Cost</b>	<b>Salary Cost per Hour</b>	<b>Total Salary Cost</b>
Senior		7	8	56	40	2,240	\$0	\$86.90	\$194,656.00
Administrative		7	8	56	40	2,240	\$0	\$41.82	\$93,678.80
Mid-Level		7	8	56	100	5,600	\$0	\$42.20	\$236,320.00
<b>Total</b>	Part 130 Subpart C	<b>7</b>		<b>56</b>	<b>180</b>	<b>10,080</b>	<b>\$0</b>		<b>\$524,652.80</b>

For Class II Railroads, PHMSA estimates, after consultation with various stakeholders, that Senior Management spends 40 hours developing the response zone appendix or appendices, Administrative Support spends 40 hours developing the response zone appendix or appendices, and Mid-Level staff spend 100 hours developing the response zone appendix or appendices, for a total of 180 burden hours per railroad (40 hours + 40 hours + 100 hours). PHMSA estimates there are 11 Class II railroads subject to 2 response zone appendix or appendices, for a total of 3,960 burden hours (11 Class II Railroads x 2 response zones x 180 burden hours). PHMSA does not estimate any out-of-pocket expenses. A Senior Management salary of \$86.90<sup>14</sup> per hour, costs a total of \$76,472 for all Class II railroads (880 burden hours x \$86.90). For Administrative Support with a salary of \$41.82<sup>15</sup> per hour, costs a total of \$36,801.60 for all Class II Railroads (880 burden hours x \$41.82). And for Mid-Level staff with a salary of \$42.20<sup>16</sup> per hour costs \$92,840.00 for all Class II Railroads (2,200 burden hours x \$41.82). In total, the response zone appendix or appendices costs a total of \$206,113.60 in salary costs for Class II Railroads (\$76,472.00 + \$36,801.60 + \$92,840.00).

<b>Response Zones – Development – Class II Railroads</b>	<b>Section</b>	<b>Respondents</b>	<b>Annual Responses per Respondent</b>	<b>Annual Responses</b>	<b>Hours per Response</b>	<b>Total Burden Hours</b>	<b>Burden Cost</b>	<b>Salary Cost per Hour</b>	<b>Total Salary Cost</b>
Senior		11	2	22	40	880	\$0	\$86.90	\$76,472.00
Administrative		11	2	22	40	880	\$0	\$41.82	\$36,801.60
Mid-Level		11	2	22	100	2,200	\$0	\$42.20	\$92,840.00
<b>Total</b>	Part 130 Subpart C	<b>11</b>		<b>11</b>	<b>180</b>	<b>3,960</b>	<b>\$0</b>		<b>\$206,113.60</b>

<sup>14</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “General and Operations Managers (11-1021).” <https://www.bls.gov/oes/current/oes111021.htm> The hourly mean wage for this occupation (\$59.35) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<sup>15</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “Executive Secretaries and Administrative Assistants (43-6011).” <https://www.bls.gov/oes/current/oes436011.htm> The hourly mean wage for this occupation (\$28.56) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<sup>16</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “Rail Transportation Worker, all other (53-4099).” <https://www.bls.gov/oes/current/oes436011.htm> The hourly mean wage for this occupation (\$28.56) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

For Class III Railroads, PHMSA estimates, after consultation with various stakeholders, that Senior Management spends 40 hours developing the response zone appendix or appendices, Administrative Support spends 40 hours developing the response zone appendix or appendices, and Mid-Level staff spend 100 hours developing the response zone appendix or appendices, for a total of 180 burden hours per railroad (40 hours + 40 hours + 100 hours). PHMSA estimates there are 55 Class III railroads subject to the response zone appendix or appendices, for a total of 9,900 burden hours (55 Class III Railroads x 180 burden hours). PHMSA does not estimate any out-of-pocket expenses. A Senior Management salary of \$86.90<sup>17</sup> per hour, costs a total of \$191,180 for all Class III railroads (2,200 burden hours x \$86.90). For Administrative Support with a salary of \$41.82<sup>18</sup> per hour, costs a total of \$92,004 for all Class III Railroads (2,200 burden hours x \$41.82). And for Mid-Level staff with a salary of \$42.20<sup>19</sup> per hour costs \$232,100 for all Class III Railroads (5,500 burden hours x \$41.82). In total, the response zone appendix or appendices costs a total of \$515,284 in salary costs for Class III Railroads (\$191,180 + \$92,004 + \$232,100).

<b>Response Zones – Development – Class III Railroads</b>	<b>Section</b>	<b>Respondents</b>	<b>Annual Responses per Respondent</b>	<b>Annual Responses</b>	<b>Hours per Response</b>	<b>Total Burden Hours</b>	<b>Burden Cost</b>	<b>Salary Cost per Hour</b>	<b>Total Salary Cost</b>
Senior		55	1	55	40	2,200	\$0	\$86.90	\$191,180.00
Administrative		55	1	55	40	2,200	\$0	\$41.82	\$92,004.00
Mid-Level		55	1	55	100	5,500	\$0	\$42.20	\$232,100.00
<b>Total</b>	Part 130 Subpart C	55		55	180	9,900	<b>\$0</b>		<b>\$515,284.00</b>

### Submission

Sections 173.145 and 173.150 requires the electronic submission of each plan following development, as any major changes are made, and at least every five years from date of approval. For purposes of information collection, PHMSA averages the burden over 5 years. PHMSA estimates there are 73 railroads (7 Class I + 11 Class II + 55 Class III) submitting 0.2 COSRPs each year (1 response / 5 years) for a total of 14.6 annual response (73 railroads x 0.2 response). Each submission is estimated to take 0.5 hours, for a total of 7 burden hours (14.6 response x

<sup>17</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “General and Operations Managers (11-1021).” <https://www.bls.gov/oes/current/oes111021.htm> The hourly mean wage for this occupation (\$59.35) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<sup>18</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “Executive Secretaries and Administrative Assistants (43-6011).” <https://www.bls.gov/oes/current/oes436011.htm> The hourly mean wage for this occupation (\$28.56) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<sup>19</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “Rail Transportation Worker, all other (53-4099).” <https://www.bls.gov/oes/current/oes436011.htm> The hourly mean wage for this occupation (\$28.56) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

0.5 hours). PHMSA does not estimate any out-of-pocket expenses. To complete the submission, Administrative Support with a salary of \$41.82<sup>20</sup> per hour, costs a total of \$305.29 for the submission of COSRPs (7 burden hours x \$41.82).

	<b>Section</b>	<b>Respondents</b>	<b>Frequency of Submission (Years)</b>	<b>Annual Responses per Respondent</b>	<b>Annual Responses</b>	<b>Hours per Response</b>	<b>Total Burden Hours</b>	<b>Burden Cost</b>	<b>Salary Cost per Hour</b>	<b>Total Salary Cost</b>
<b>Submission</b>	Part 130 Subpart C	73	5	0.2	14.6	0.5	7	\$0	\$41.82	\$305.29

### **Section 171.16 – Incident reporting**

From 2012 to 2015, PHMSA identified 45 incidents, for an average of 15 incidents per year, involving the derailment and release of crude oil/ethanol. Each report is submitted by a single respondent and, based on stakeholder feedback, takes approximately 2 hours to submit for a total of 30 burden hour (15 responses x 2 hours). PHMSA does not estimate any out-of-pocket expenses. For the salary of a Senior Management employee of \$86.90<sup>21</sup> per hour, PHMSA estimates a total salary cost of \$2,607 (30 burden hours x \$86.90).

	<b>Section</b>	<b>Respondents</b>	<b>Annual Responses per Respondent</b>	<b>Annual Responses</b>	<b>Hours per Response</b>	<b>Total Burden Hours</b>	<b>Burden Cost</b>	<b>Salary Cost per Hour</b>	<b>Total Salary Cost</b>
<b>Incident Reporting for Flammable Liquids by Rail</b>	171.16	15	1	15	2	30	\$0	\$86.90	\$2,607.00

### **Section 173.41 – Sampling and testing plans**

Section 173.41 requires companies that offer mined liquids and gases for transportation update their sampling and testing program as necessary to account for changing circumstances. Based on data from the Hazmat Intelligence Portal (HIP), PHMSA estimates there are 1,804 entities that offer mined gases and liquids for transportation to which sampling and testing requirements would apply. PHMSA assumes that companies will review and update their sampling and testing programs once a year. Based on stakeholder feedback, it is estimated that it takes 10 hours to review and update a sampling and testing plan, for a total of 72,160 burden hours (1,804 responses x 10 hours). PHMSA does not estimate any out-of-pocket expenses. For the

<sup>20</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “Executive Secretaries and Administrative Assistants (43-6011).” <https://www.bls.gov/oes/current/oes436011.htm> The hourly mean wage for this occupation (\$28.56) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<sup>21</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “General and Operations Managers (11-1021).” <https://www.bls.gov/oes/current/oes111021.htm> The hourly mean wage for this occupation (\$59.35) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

salary of a Senior Management employee of \$86.90<sup>22</sup> per hour, PHMSA estimates a total salary cost of \$2,607 (30 burden hours x \$86.90).

	Section	Respondents	Annual Responses per Respondent	Annual Responses	Hours per Response	Total Burden Hours	Burden Cost	Salary Cost per Hour	Total Salary Cost
<b>Sampling and Testing Plan</b>	173.41	1,804	1	1,804	10	72,160	\$0	\$86.90	\$1,567,676.00

### **Section 174.310(a)(1): Requirements for the operation of high-hazard flammable trains – Routing analysis**

#### Collection by Line Segment

Section 174.310(a)(1) requires a rail carrier transporting HHFTs to use the data it compiles annually to analyze the safety and security risks for the transportation route(s) used by its trains. In performing this analysis, the rail carrier must consult with State, local, and tribal officials, as appropriate, regarding security risks to high-consequence targets, countermeasures already in place, and the community emergency response capability along, or in proximity to, the route(s) utilized. This analysis will be conducted by both Class II and Class III railroads. Based on historical data, PHMSA expects 10 Class II and 160 Class III railroads to conduct an assessment of their line segments. It is estimated that each response takes 40 hours to complete, for a total of 400 burden hours for Class II Railroads (10 responses x 40 hours) and 6,400 burden hours for Class III Railroads (160 responses x 40 hours). PHMSA does not estimate any out-of-pocket expenses. For the salary of a Senior Management employee of \$86.90<sup>23</sup> per hour, PHMSA estimates a total salary cost of \$34,760 for Class II Railroads (400 burden hours x \$86.90) and \$556,160 for Class III Railroads (6,400 burden hours x \$86.90).

Collection by Line Segment	Section	Respondents	Annual Responses per Respondent	Annual Responses	Hours per Response	Total Burden Hours	Burden Cost	Salary Cost per Hour	Total Salary Cost
Class II Railroads	174.310(a)(1); Part 172, Subpart I	10	1	10	40	400	\$0	\$86.90	\$34,760.00
Class III Railroads	174.310(a)(1); Part 172, Subpart I	160	1	160	40	6,400	\$0	\$86.90	\$556,160.00

<sup>22</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “General and Operations Managers (11-1021).” <https://www.bls.gov/oes/current/oes111021.htm> The hourly mean wage for this occupation (\$59.35) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<sup>23</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “General and Operations Managers (11-1021).” <https://www.bls.gov/oes/current/oes111021.htm> The hourly mean wage for this occupation (\$59.35) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

## Routing – Security Analysis

Section 174.310(a)(1) requires a rail carrier transporting HHFTs to conduct a primary route security analysis. This analysis will be conducted by both Class II and Class III railroads. Based on historical data, PHMSA expects 10 Class II and 160 Class III railroads to conduct a security analysis. It is estimated that a Class II railroad completes 5 responses per year, each taking 16 hours to complete, for a total of 800 burden hours (50 responses x 16 hours) and a Class III railroad completes 2 responses per year, each taking 8 hours to complete, for a total of 2,560 burden hours (320 responses x 8 hours). PHMSA does not estimate any out-of-pocket expenses. For the salary of a Senior Management employee of \$86.90<sup>24</sup> per hour, PHMSA estimates a total salary cost of \$69,520 for Class II Railroads (800 burden hours x \$86.90) and \$222,464 for Class III Railroads (2,560 burden hours x \$86.90).

<u>Security Analysis</u>	<u>Section</u>	<u>Respondents</u>	<u>Annual Responses per Respondent</u>	<u>Annual Responses</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Burden Cost</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>
Class II Railroads	174.310(a)(1); Part 172, Subpart I	10	5	50	16	800	\$0	\$86.90	\$69,520.00
Class III Railroads	174.310(a)(1); Part 172, Subpart I	160	2	320	8	2,560	\$0	\$86.90	\$222,464.00

## Alternate Security Analysis

Section 174.310(a)(1) requires a rail carrier transporting HHFTs to conduct an alternate route security analysis. This analysis will be conducted by both Class II and Class III railroads. Based on historical data, PHMSA expects 10 Class II and 64 Class III railroads to conduct an alternate security analysis. It is estimated that a Class II railroad completes 4 responses per year, each taking 12 hours to complete, for a total of 480 burden hours (40 responses x 12 hours) and a Class III railroad conducts 0.5 responses per year, each taking 4 hours to complete, for a total of 128 burden hours (32 responses x 4 hours). PHMSA does not estimate any out-of-pocket expenses. For the salary of a Senior Management employee of \$86.90<sup>25</sup> per hour, PHMSA estimates a total salary cost of \$41,712 for Class II Railroads (480 burden hours x \$86.90) and \$11,123 for Class III Railroads (128 burden hours x \$86.90).

<sup>24</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “General and Operations Managers (11-1021).” <https://www.bls.gov/oes/current/oes111021.htm> The hourly mean wage for this occupation (\$59.35) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<sup>25</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “General and Operations Managers (11-1021).” <https://www.bls.gov/oes/current/oes111021.htm> The hourly mean wage for this occupation (\$59.35) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

Alternative Routing Security Analysis	Section	Respondents	Annual Responses per Respondent	Annual Responses	Hours per Response	Total Burden Hours	Burden Cost	Salary Cost per Hour	Total Salary Cost
Class II Railroads	174.310(a)(1); Part 172, Subpart I	10	4	40	12	480	\$0	\$86.90	\$41,712.00
Class III Railroads	174.310(a)(1); Part 172, Subpart I	64	0.5	32	4	128	\$0	\$86.90	\$11,123.20

### **Section 174.310(a)(1): Requirements for the operation of high-hazard flammable trains – Tank car retrofitting**

Section 174.310(a)(1) requires owners of DOT-111 tank cars in PG I service in an HHFT, who are unable to meet the January 1, 2017, retrofit deadline specified in § 173.243(a)(1) to provide details on retrofitting progress. PHMSA identified 50 respondents who submit one response per year. PHMSA expects each report to take approximately 30 minutes to complete, for a total of 25 burden hours (50 responses x 30 minutes). PHMSA does not estimate any out-of-pocket expenses. For the salary of a Senior Management employee of \$86.90<sup>26</sup> per hour, PHMSA estimates a total salary cost of \$2,172.50 for submission of the retrofitting progress (25 burden hours x \$86.90).

	Section	Respondents	Annual Responses per Respondent	Annual Responses	Minutes per Response	Total Burden Hours	Burden Cost	Salary Cost per Hour	Total Salary Cost
Retrofitting Progress	174.310(a)(5)	50	1	50	30	25	\$0	\$86.90	\$2,172.50

### **Section 174.312: HHFT information sharing notification for emergency response planning**

#### Notification Plans – Development

Sections 174.312 requires the development of an HHFT notification for SERC, TERC, and other appropriate State-delegated agencies. Because this is a new requirement, PHMSA estimates that there are 131 Class II and III railroads who will need to develop this information. PHMSA’s historical estimate and economic analysis supports that there are approximately 2.5 notifications per railroad, for a total of 327.5 annual responses (131 respondents x 2.5 responses). Furthermore, PHMSA estimates 30 hours/notification for a total of 9,825 burden hours (327.5 response x 30 hours). PHMSA does not estimate any out-of-pocket expenses. For the

<sup>26</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “General and Operations Managers (11-1021).” <https://www.bls.gov/oes/current/oes111021.htm> The hourly mean wage for this occupation (\$59.35) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

salary of a Senior Management employee of \$86.90<sup>27</sup> per hour, PHMSA estimates a total salary cost of \$853,792.50 (9,825 burden hours x \$86.90).

<u>Development</u>	<u>Section</u>	<u>Respondents</u>	<u>Annual Responses per Respondent</u>	<u>Annual Responses</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Burden Cost</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>
Class II & III Railroads	174.312	131	2.5	327.5	30	9,825	\$0	\$86.90	\$853,792.50

#### Notification Plans – Maintenance

Sections 174.312 requires the HHFT notification for SERC, TERC, and other appropriate State-delegated agencies. All railroads subject to the COSRP are subject to maintenance of their reporting. Based on historical requirements, PHMSA estimates there are currently 47 railroads subject to this requirement. PHMSA’s historical estimate and economic analysis supports that there are approximately 2.5 notifications per railroad per month, for a total of 1,410 annual responses (47 respondents x 2.5 responses x 12 months). Furthermore, PHMSA estimates it takes 1 hour for the notification for a total of 1,410 burden hours (1,410 response x 1 hour). PHMSA does not estimate any out-of-pocket expenses. For the salary of a Senior Management employee of \$86.90<sup>28</sup> per hour, PHMSA estimates a total salary cost of \$122,529.00 (1,410 burden hours x \$86.90).

<u>Maintenance</u>	<u>Section</u>	<u>Respondents</u>	<u>Monthly Responses per Respondent</u>	<u>Annual Responses</u>	<u>Hours per Response</u>	<u>Total Burden Hours</u>	<u>Burden Cost</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>
Class I, II, & III Railroads	174.312	47	2.5	1,410	1	1,410	\$0	\$86.90	\$122,529.00

#### Notification Plans – DOT Request

Sections 174.312 requires the copies of the HHFT notification for SERC, TERC, and other appropriate State-delegated agencies be made available to the Department of Transportation upon request. Based on historical requirements, PHMSA estimates there are currently 47 railroads subject to this requirement. PHMSA’s historical estimate and economic analysis supports that there are approximately 0.21 notification per railroad per year for this request (8.33 percent x 2.5 notifications) for a total 9.87 annual responses (47 respondents x 0.21 annual responses). Furthermore, PHMSA estimates it takes 1 hour for the notification for a total of 10 burden hours (9.87 responses x 1 hour). PHMSA does not estimate any out-of-pocket

<sup>27</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “General and Operations Managers (11-1021).” <https://www.bls.gov/oes/current/oes111021.htm> The hourly mean wage for this occupation (\$59.35) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<sup>28</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “General and Operations Managers (11-1021).” <https://www.bls.gov/oes/current/oes111021.htm> The hourly mean wage for this occupation (\$59.35) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

expenses. For the salary of a Senior Management employee of \$86.90<sup>29</sup> per hour, PHMSA estimates a total salary cost of \$857.70 (9.87 burden hours x \$86.90).

<u><b>DOT Request</b></u>	<u><b>Section</b></u>	<u><b>Respondents</b></u>	<u><b>Annual Responses per Respondent</b></u>	<u><b>Annual Responses</b></u>	<u><b>Hours per Response</b></u>	<u><b>Total Burden Hours</b></u>	<u><b>Burden Cost</b></u>	<u><b>Salary Cost per Hour</b></u>	<u><b>Total Salary Cost</b></u>
Class I, II, & III Railroads	174.312	47	0.21	9.87	1	10	\$0	\$86.90	\$857.70

13. Estimate of total annual costs to respondents.

PHMSA does not estimate any out-of-pocket expenses as identified above.

14. Estimate of cost to the Federal Government.

In the first year of this information collection, PHMSA estimates a total of \$651,804.40 in cost to the Federal Government.

Enforcement

Various information collection under this burden may be reviewed by enforcement personnel at a reasonable time. PHMSA expects enforcement personnel to spend up to 416 hours per year reviewing this data. At a salary of \$63.39 per hour<sup>30</sup>, it is estimated this burden costs the Federal Government \$26,372.

<u><b>Total Enforcement Hours</b></u>	<u><b>Salary + Fringe and Overhead Per Hour</b></u>	<u><b>Total Salary Cost</b></u>
416	\$63.39	\$26,372.18

Costs to Review COSRPs

It is estimated that in the first year of the COSRP review, the Federal Government will need 4 FTEs solely devoted to reviewing COSRPs. After the first year, PHMSA can reduce this

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<sup>29</sup> Occupation labor rates based on 2017 Occupational and Employment Statistics Survey (OES) for “General and Operations Managers (11-1021).” <https://www.bls.gov/oes/current/oes111021.htm> The hourly mean wage for this occupation (\$59.35) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

<sup>30</sup> Cost to enforcement, PHMSA used hourly wage data from the Office of Personnel Management (OPM) to estimate wages for its staff at the 2019 General Schedule (GS) level 13, step 1, wage class for the Washington-Baltimore-Northern Virginia metropolitan area. In accordance with the OMB Circular No. A-76 (M-07-02; 2006), PHMSA included a load factor of 36.45 percent for the Federal wage to account for fringe benefits.

burden to 1 FTE. At an annually salary of \$156,358.06<sup>31</sup>, the total cost to the Federal Government is estimated at \$625,432.22.

<u>Number of FTE</u>	<u>Salary + Fringe and Overhead</u>	<u>Total Salary Cost</u>
4	\$156,358.06	\$625,432.22

15. Explanation of program changes or adjustments.

The burdens under this OMB control number are being revised due to regulatory changes associated with the final rule issued by PHMSA on February 28, 2019. The final rule revises and clarify requirements for comprehensive oil spill response plans (COSRPs) and to expand their applicability based on petroleum oil thresholds that apply to an entire train consist. This regulatory change accounts for the increased burden in this information collection request.

16. Publication of results of data collection.

There is no publication for statistical use, and no statistical techniques are involved.

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

Upon OMB approval of this revised information collection, OMB Control number 2137-0628 and will be displayed in the HMR, specifically under § 171.6 “Control Numbers under the Paperwork Reduction Act.”

18. Exceptions to certification statement.

There is no exception to the certification of this request for information collection approval.

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<sup>31</sup> Cost to review and approve OSRPs, PHMSA used annual wage data from the Office of Personnel Management (OPM) to estimate wages for its staff at the 2019 General Schedule (GS) level 14, step 1, wage class for the Washington-Baltimore-Northern Virginia metropolitan area. In accordance with the OMB Circular No. A-76 (M-07-02; 2006), PHMSA included a load factor of 36.45 percent for the Federal wage to account for fringe benefits.