

SUPPORTING JUSTIFICATION
49 CFR Part 210
New Locomotive Certification
(Noise Compliance Regulations)
OMB No. 2130-0527

Summary of Submission

- This submission is a request for a three-year extension without change of the previous approval granted by OMB on **September 5, 2013**, which now expires on **September 30, 2016**.
- FRA published the required 60-day Notice in the Federal Register on **May 3, 2016**. See 81 FR 26619. FRA received no comments in response to this Notice.
- The total number of burden **hours requested** for this information collection submission is **2,767 hours**.
- The total number of burden **previously approved** for this information collection was **2,767 hours**.
- Total number of responses **requested** for this information collection submission is **1,582**.
- Total number of responses **previously approved** for this information collection submission was **1,582**.
- Thus, there are no **program changes** or **adjustments** at this time.
- ****The answer to question number 12 itemizes the hourly burden associated with each requirement of this rule (See pp. 4-6).**

1. Circumstances that make collection of the information necessary.

Background

On January 14, 1976, the Environmental Protection Agency (EPA) issued railroad noise emission standards (*41 FR 2184*) pursuant to the requirements of the Noise Control Act of 1972 (See Sections 6 [42 U.S.C. 4905] and 17 [42 U.S.C. 4916]). The standards (40 CFR Part 201) established limits on the noise emissions generated by railroad locomotives, under both stationary and moving conditions, and by railroad cars under moving conditions. These standards became effective on December 31, 1976.

Section 17 of the Act also requires the Secretary of Transportation to enforce these standards and to promulgate regulations to ensure compliance with the EPA standards. On August 24, 1977, the Federal Railroad Administration (by delegation) published a new Part 210 to ensure compliance with the noise limits for railroad locomotives and rail cars.

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

This information is not maintained for the purpose of information collection per se. This information is used to ensure that new locomotives comply with the provisions of this Part (210) and with the noise limits for locomotives and rail cars set by the Environmental Protection Agency (EPA) under the Noise Control Act of 1972. Specifically, the information collected is used by both FRA and railroads to confirm that new locomotives are tested and meet certain minimum noise standards so as to reduce the impact of rail operations on communities nationwide, as well as on any other properties receiving locomotives and rail cars. If this information were not required, there would be no readily apparent assurance that the noise emissions from new locomotives were within the prescribed decibel criteria.

3. Extent of automated information collection.

Over the years, FRA has strongly encouraged and highly endorsed the use of advanced information technology, wherever possible, to reduce burden on respondents. The amount and type of information required by this collection does not require elaborate information processing. For the convenience of railroads and other agency respondents, FRA has installed all of its safety forms on the agency website so that users can easily download them. Thus, railroads can easily access Form FRA F 6180.49A to record necessary noise emission data.

It should be noted that the burden for this information collection is fairly minimal. Also, new technology has already been developed to reduce noise emissions of new locomotives by the use of exhaust silencers. As a result, there has been no additional rework burden because of failures caused by the certification requirement.

4. Efforts to identify duplication.

This information is not duplicated anywhere. FRA is the sole Federal agency requiring noise emission certification for new locomotives.

Similar data are not available for any other source.

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

The collection of this information does not involve small businesses or other small entities. Also, the burden for this information collection is already fairly minimal.

6. **Impact of less frequent collection of information.**

If this information were not collected or collected less frequently, communities around the nation might suffer from excessive locomotive and rail car noise and the deleterious effects on health and quality of life that such noise brings. Specifically, without this collection of information, the quality of life of the American people – today and in the future – might be harmed because certain minimum noise levels for new locomotives were not met. Minimum noise levels help preserve the residential character of communities throughout the nation. Among other things, highly desirable residential communities are valued for their quiet and natural environmental beauty (trees, parks, etc.). Excessively loud noise, especially from locomotives, can reduce the desirability and livability in communities exposed to constant train traffic. Most severely affected are those homes closest to railroad tracks. Excessive locomotive noise can not only shatter the serenity of these residents but can also adversely affect their health. Requiring new locomotives to be certified as meeting certain minimum standards can aid in reducing – if not eliminating – harmful noise levels.

Also, without this collection of information, railroads would be unable to confirm that new locomotives, which they have purchased or are about to purchase, are tested and meet certain minimum noise standards. Moreover, without this collection of information, there would be no way to detect and correct noise defects in new locomotives before these trains pass through communities nationwide. Finally, without this collection of information, there would be no way that the Environmental Protection Agency (EPA) or the Federal Railroad Administration (FRA) could monitor whether or not new locomotives comply with existing laws and regulations concerning noise. The collection of information then provides a necessary and important monitoring tool for both FRA and the EPA.

It should be noted that certification is a one-time requirement, and information is provided only when there is a request for noise testing verification.

7. **Special circumstances.**

All information collection requirements are in compliance with this section.

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

As required by the Paperwork Reduction Act of 1995, FRA published a notice in the Federal Register on **May 3, 2016**, soliciting comment on this particular information

collection. See 81 FR 26619. FRA received no comments in response to this notice.

Background

On November 8, 1976, FRA published a Notice of Proposed Rulemaking (NPRM) setting forth proposed procedures to assure compliance with the EPA standards. FRA solicited written comments and views on this proposed rule. One commenter opposed requiring that each locomotive manufactured after 1979 be tested for stationary noise emissions before it is initially placed in service. In response to the comment, type certification based on sample testing of each locomotive model was allowed in the final rule. The certification may be based on either load cell or pass by testing.

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.

Information collected is not of a confidential nature, and FRA pledges no confidentiality.

11. Justification for any questions of a sensitive nature.

This information collection does not contain any questions of a personal or sensitive nature.

12. Estimate of burden hours for information collected.

According to the latest agency data, there are approximately four (4) manufacturers that produce locomotives now operating in the United States.

§ 210. 11 - Waivers

Any person may petition the Administrator for a waiver of compliance with any requirement in this Part. A waiver of compliance with any requirement prescribed in the Standards may not be granted under this provision. Each petition for a waiver under this section must be filed in the manner and contain information required in 49 CFR Part 211.

Over the past three (3) years, FRA has received zero (0) petitions for waivers under this provision. Consequently, there is no burden associated with this requirement.

§ 210.27 - New locomotive certification - requests

A railroad shall not operate a locomotive built after December 31, 1979, unless the locomotive has been certified to be in compliance with the Standards.

There are approximately four (4) manufacturers of locomotives. It is estimated that each could receive one (1) request per year for certification information from the railroads and/or FRA. It is further estimated that it will take the locomotive manufacturers approximately 30 minutes to send the required information. Total annual burden for this requirement is two (2) hours.

Respondent Universe:

4
locomotive
manufacturers

Burden time per response: 30 minutes

Frequency of Response: On occasion
Annual number of Responses: 4 requests
Annual Burden: 2 hours

Calculation: 4 request x 30 min. = 2 hours

§ 210.27 - New locomotive certification

Each new locomotive certified under this section must be identified by a permanent badge or tag attached in the cab of the locomotive near the location of the inspection form FRA F 6180.49A. The badge or tag must state: (1) Whether a load cell or passby test was used; (2) The date and location of the test; and (3) The A-weighted sound level readings in decibels obtained during the passby test, or the readings obtained at idle throttle setting and maximum throttle setting during a load cell test.

FRA estimates that approximately 790 badges/tags will be completed under this requirement. It is estimated that it will take each locomotive manufacturer approximately 30 minutes to conduct the test, complete the badge/tag, and place the badge/tag in the cab of the locomotive. Total annual burden for this requirement is 395 hours.

Respondent Universe:

4
locomotive
manufacturers

Burden time per response:

30 minutes

Frequency of Response:

On occasion

Annual number of Responses:

790 badges/tags

Annual Burden:

395 hours

Calculation:

790
badges
/tags x
30
min. =
395
hours

§ 210.31 - Operation standards (stationary locomotives at 30 meters)

- A. The following data determined by any locomotive noise emission test conducted after December 31, 1976, must be recorded in the "Remarks" section on the reverse side of Form FRA F 6180.49A: (1) Location of test; (2) Type of test; (3) Date of test; and (4) The A-weighted sound level readings in decibels obtained during the passby test, or the readings obtained at idle throttle setting and maximum throttle setting during a load cell test.

Again, there are four (4) locomotive manufacturers. FRA estimates that there will be approximately 790 measurements per year. It is estimated that it will take approximately three (3) hours to conduct the required measurements, and record necessary information. Total annual burden for this requirement is 2,370 hours

Respondent Universe:

4
locomotive
manufacturers

Burden time per response: 3 hours

Frequency of Response:	On occasion
Annual number of Responses:	790 recorded measurements
Annual Burden:	2,370 hours

Calculation: 790 recorded measurements x 3 hrs. = 2,370 hours

- B. The last entry recorded on Form FRA F 6180.49A as required in paragraph (b) of this section must be transcribed to a new Form FRA F 6180.49a when it is posted in the locomotive cab.

The burden for this requirement is included above. Consequently, there is no additional burden associated with this requirement.

Total annual burden for this entire requirement is 2,370 hours.

Total annual burden for this entire information collection is 2,767 hours (2 + 395 + 2,370).

13. Estimate of total annual costs to respondents.

\$24 - Printing of 790 badges/tags at \$.03 each (rounded off).

14. Estimate of Cost to Federal Government.

There is no cost to the Federal Government in connection with the certification of noise emissions.

15. Explanation of program changes and adjustments.

As noted in the submission summary on the first page of this document, this is a request for a three-year extension without change of the previous approval. Thus, the total

burden for this information collection remains **2,767 hours**.

There are no **program changes** or **adjustments** at this time.

There is no change in cost to respondents.

16. Publication of results of data collection.

There are no plans for publication involving these information collection requirements.

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 DOT strategic goal of human and natural environment. Specifically, it enhances the quality of life of the American people, today and in the future, by ensuring that new locomotives meet certain minimum noise levels. This helps preserve the residential character of communities throughout the nation. Among other things, highly desirable residential communities are valued for their quiet and natural environmental beauty (trees, parks, etc.). Excessively loud noise, especially from locomotives, can reduce the desirability and livability in communities exposed to constant train traffic. Most severely affected are those homes closest to railroad tracks. Excessive locomotive noise can not only shatter the serenity of these residents but can also adversely affect their health. Requiring new locomotives to be certified as meeting certain minimum standards can aid in reducing – if not eliminating – toxic noise levels.

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