

SUPPORTING JUSTIFICATION
Safety Appliance Guidance Checklist Forms (FRA)
Forms 6180.161(a)-(k); OMB No. 2130-0565

Summary of Submission

- This submission is a request for an extension without change to the previous approval granted by OMB on **May 19, 2016**, and which expires on **May 31, 2019**.
- FRA published the required 60-day **Federal Register** Notice on **February 22, 2019**. See 84 FR 5807. FRA received no comments in response to this notice.
- The total number of burden **hours requested** for this submission is **121 hours**.
- The total number of burden **hours previously approved** was **121 hours**.
- Total number of **responses requested** is **121**.
- Total number of **previously approved** was **121**.
- 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. 7-10)**

1. Circumstances that make collection of the information necessary.

Background

FRA Federal and State inspectors monitor the safety of railroads in the United States, including freight, passenger, and commuter rail operations. The American railroad industry is a large and complex one. To accommodate this magnitude and complexity, FRA employs inspectors in five separate disciplines of expertise (Hazardous Materials, Motive Power & Equipment, Operating Practices, Signal & Train Control, and Track) throughout its eight regions nationwide. These inspector resources are very limited, and are supplemented by inspectors employed by states that choose to participate in FRA's inspection program. Currently, there are approximately 130 Federal and State inspectors who handle Motive, Power, and Equipment (MP&E) safety issues and who inspect newly built freight cars. FRA estimates that it is able to monitor less than two-tenths of one percent of the safety-sensitive activity that occurs in the railroad industry (even with the additional state inspector resources).

There are approximately 10 freight car manufacturers, plus another five railroads/one-time contractors/sub-contractors that engage in freight car construction. Each year, there are approximately 30 to 50 different types of freight cars built by these manufacturers. Each type of car must be inspected for compliance with Federal safety regulations (49 CFR Part 231). The larger freight car builders and railroads normally request sample car inspections by FRA to determine that these new cars are in compliance with Federal requirements. After carefully reviewing its field inspectors' work, FRA recently has found that newly constructed freight cars are not meeting these safety appliance standards. FRA discovered that the various types of cars being built by rail equipment manufacturers, railroads, and other contractors/sub-contractors had defects and deficiencies. Moreover, these defects and deficiencies were missed primarily due to inconsistent inspections and misinterpretation of Federal safety regulations by MP&E inspectors. FRA realized that, unless these defects and deficiencies could be eliminated in a systematic way, there would be great risk for increased accidents/incidents in the everyday rail environment, as well as a corresponding increase in casualties (severe injuries and perhaps fatalities) to railroad employees and property damage.

In an ongoing effort to conduct more thorough and more effective inspections of newly built railroad freight equipment (cars) and to further enhance safe rail operations, FRA has developed a safety concern recommendation report form, and a group of safety appliance standards guidance checklist forms that serve to facilitate railroad, rail car owner, and rail equipment manufacturer compliance with agency railroad safety appliance standards regulations. In one of its Sample Car Training Program classes, FRA provided drafts of these new forms to approximately 18 inspectors. FRA found these forms filled a great need, and served to cut down on the very common problem of misinterpretation of Part 231 regulations. The Association of American Railroads (AAR), the Railway Products Institute (RPI), and the American Railway Car Builders Institute (ARCI) have repeatedly encouraged FRA to enhance and accelerate the courtesy sample car inspections provided by the agency.

In sum, FRA has introduced and now utilized these new forms nationwide so that FRA and State Motive, Power, and Equipment (MP&E) inspectors have an immediate, visual method to ensure that different types of newly constructed freight cars conform/are compliant with all requirements of the relevant section of Part 231.

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

The information collected is used by Federal (FRA) and State Motive, Power, and Equipment inspectors (MP&E) to conduct more thorough and more effective sample car inspections of the various types of new rail freight cars constructed at manufacturing facilities. These forms are also used by FRA customers, notably equipment builders, car owners, and railroads as well as State inspectors working with FRA. In particular, forms FRA F 6180.161(a-k) are used to reduce burden on respondents while also facilitating a comprehensive and complete inspection. These forms provide a standardized format that

can be used by FRA inspectors and customers to conduct sample car inspections for various new types of cars. They provide the specific standard spelled out in the AAR S-2044 Appendix for that type of new freight car and thereby greatly reduce the amount of time necessary to conduct the inspections/reviews to ensure compliance. By having a form of this nature, the customer has the information visually that would be required, to eliminate the potential of missing information that then causes additional letters to complete the incoming package. The forms enable FRA to carry out a cursory review of the provided information to ensure the package is complete without having to constantly compare the request letter to the supplied documents.

Further, the Safety Appliance forms are used to transmit vital information to freight car builders, owners, and railroads when exceptions are taken or to provide clarity to these organizations that certain freight equipment meets or does not meet the requirements spelled out in Part 231 and AAR S-2044.

In particular, Form FRA F 6180.161a is used as a safety appliance guidance checklist to determine – in an efficient and thorough way – whether newly built sample cars for box cars and other house cars without roof hatches meet the requirements of AAR Standard 2044 (AAR S-2044) Appendix A-1 and Part 231. This and the other new forms assist FRA and State MP&E field inspectors to ensure that each required part of the aforementioned Safety Appliance Standards is followed by identification, measurements, and photographs. Form FRA F 6180.161b is used to ensure that safety appliances for covered hopper cars and other house cars without roof hatches conform to the requirements of AAR S-2044 Appendix B-1. Form FRA F 6180.161c is used to ensure that safety appliances for bulkhead flat cars with high bulkheads conform to the requirements of AAR S-2044 Appendix C-1. Form FRA F 6180.161d is used to ensure that safety appliances for cars of well or spine construction with side mounted hand brakes conform to the requirements of AAR S-2044 Appendix D-2. Form FRA F 6180.4(e) is used to ensure that safety appliances for cars of well or spine construction with end-mounted hand brakes conform to the requirements of AAR S-2044 Appendix D-3. Form FRA F 6180.4(f) is used to ensure that safety appliances for flatcars constructed for chain-tie down service conform to the requirements of AAR S-2044 Appendix D-4. Form FRA F 6180.4(g) is used to ensure that safety appliances for tank cars with side ladders conform to the requirements of AAR S-2044 Appendix E-1. Form FRA F 6180.4(h) is used to ensure that safety appliances for tank cars with end ladders conform to the requirements of AAR S-2044 Appendix E-2. Form FRA F 6180.4(i) is used to ensure that safety appliances for open-top hopper cars and high side gondola cars conform to the requirements of AAR S-2044 Appendix F-1. Form FRA F 6180.4(j) is used to ensure that safety appliances for low-side and drop-end gondola cars and bulkhead flat cars with low bulkheads conform to the requirements of AAR S-2044 Appendix F-2. Form FRA F 6180.4(k) is used to ensure that safety appliances for coil cars conform to the requirements of AAR S-2044 Appendix G-1.

In sum, FRA believes the use of these carefully developed forms contributes to improved construction of newly designed freight cars by clearly delineating the requirements of AAR Standard 2044 for car builders and by improved field inspections of all freight cars currently in use by reducing, if not eliminating, the common problem of inconsistent inspections due to the misinterpretation of the Part 231 regulations/AAR Standard 2044 (S-2044) requirements by FRA and State field MP&E safety inspectors.

3. Extent of automated information collection.

FRA highly encourages and strongly endorses the use of advanced information technology, and electronic record keeping, wherever possible, to reduce burden on respondents. FRA has done so for many, many years. In keeping with the requirements of the Paperwork Reduction Act (PRA) and the Government Paperwork Elimination Act (GPEA), FRA has placed all the latest Safety Appliance Guidance Checklist Forms on its Website for the convenience of users in a PDF fillable format so that each form can readily be filled-out electronically and electronically transmitted to the agency. According to FRA's subject matter expert (SME), approximately 95-98 percent are completed electronically.

It should be noted that the estimated burden for this information collection is extremely minimal (121 hours).

4. Efforts to identify duplication.

The information collection requirements to our knowledge are not duplicated anywhere. Similar data are not available from any other source at this time.

5. Efforts to minimize the burden on small businesses.

The collection of information has an extremely minimal or no effect on small businesses/other small entities. As mentioned earlier, there are approximately 10 freight car manufacturers and an additional five railroads/one-time contractors/sub-contractors that engage in freight car construction. The total number of entities involved in the manufacture or re-manufacture (of the approximately 30 to 50 different types of freight cars) is a small one (15). Most of this limited number of manufacturers and other entities (railroads) are large size business concerns. As in the previous Safety Appliance Checklist forms, the latest Safety Appliance Guidance Checklist Forms are used by FRA and State MP&E safety inspectors to conduct more efficient, consistent, and effective sample car inspections, as well as more efficient, consistent, and effective inspections of freight cars currently in use. Moreover, these forms are used to transmit/convey vital information to freight car builders, owners, and railroads when exceptions are taken or to provide clarity to these organizations that the equipment meets or does not meet the regulatory requirements spelled out in Part 231 and AAR Standard 2044 (S-2044).

Again, it bears mentioning that the burden for this collection of information is already very, very minimal.

6. Impact of less frequent collection of information.

If this information were not conducted or conducted less frequently, FRA's national rail safety program would be adversely impacted. Specifically, without this collection of information, FRA would have no means to ensure that FRA and State MP&E safety inspectors thoroughly and consistently inspect various types of newly built and re-manufactured freight cars (sample cars) to determine that they fully conform to the specific requirements of the appropriate section of the Code of Federal Regulations (49 CFR Part 231, *Railroad Safety Appliance Standards*) -- and now AAR Standard 2044 (S-2044) -- before they are placed in service. Without these forms, it is highly probable that FRA and State Motive Power and Equipment (MP &E) inspectors would continue to miss defects and deficiencies in newly constructed and retrofit re-manufactured freight cars because there is no other systematic and methodical way to check that each item on that type of car fully conforms to the appropriate section of the Appliance Standards regulation and AAR S-2044. Without this collection of information then, there is an increased risk that freight cars with defects and deficiencies will be placed into service by the nation's railroads. This could lead to greater numbers of accidents/incidents (e.g., derailments, collisions, mechanical breakdowns) that could cause greater casualties (severe injuries and fatalities) to American railroad workers.

In sum, this collection of information supports FRA's primary mission to promote and enhance national rail safety. FRA believes that performing the required freight car inspections more effectively, more accurately, more consistently, and more efficiently contributes to achieving this goal.

7. Special circumstances.

There are no known special circumstances as related to the seven of the bulleted items. Sample car inspection information is traditionally held at FRA for a period of five years before moving to a storage location. With the advent and increased usage of electronic record keeping, FRA is currently considering reducing this storage time to three years.

All other information collection requirements then are in compliance with this section.

8. Compliance with 5 CFR 1320.8.

As required by the Paperwork Reduction Act of 1995 and 5 CFR 1320, FRA published a notice in the Federal Register on February 22, 2019, soliciting comment on these information collection requirements from the public, railroads, and other interested parties. See 84 FR 5807. FRA received no comments in response to this Notice.

Background

The new field inspection forms designated Forms FRA F 6180.161(a-k) have been developed in collaboration with the Association of American Railroads Standard S-2044 (AAR S-2044; Appendices A1, B1, C1, D2, D3, D4, E1, E2, F1, F2, and G1). They are the result of an industry effort to update and modify the safety appliance requirements currently at Title 49 Code of Federal Regulations Part 231.

In 2003, the Association of American Railroads (AAR) and the Federal Railroad Administration's Office of Safety Motive Power and Equipment Division realized that 49 CFR § 231, Railroad Safety Appliance Standards, did not address modern car types that were being introduced by car builders and railroads to haul a variety of cargo, (example: Auto Rack Cars to Haul Automobiles).

The AAR approached their Engineering Equipment Committee (EEC) with the problem and with the concurrence of FRA senior officials, a Technical Advisory Group (TAG) was organized to study the various car types. From this TAG, the Safety Appliance Task Force (SATF) was created. The SATF is made up of car builders, railroads, FRA, AAR, rail labor, and ergonomics experts.

A safety appliance (e.g., sill step, ladder, grab iron, walkway, handbrake) may be defined as any device that protects and enhances employee worker safety when tasked to be on or about the equipment.

The underlying job of the SATF was to make all safety appliances uniform and worker friendly. Dimensions, manner of application, accessibility, safety improvement, and car construction details were studied over many years of in depth meetings and research.

This effort represents a **TREMENDOUS** improvement over guidelines that had been in place prior to the creation of the SATF.

Railroads and car builders are now converting to the new standards. AAR S-2044 became effective January 1, 2015.

Work of the SATF is still in progress with more Appendices being developed for other types of cars. FRA anticipates that additional new Safety Checklist forms will be developed in the future for these other types of cars. Naturally, further OMB approval will be sought at that time.

9. Payments or gifts to respondents.

There are no monetary payments provided or gifts made to respondents associated with the information collection requirements associated with these forms.

10. Assurance of confidentiality.

No assurances of confidentiality are necessary or are made by the Federal Railroad Administration (FRA). The information collected is not of a private nature.

11. Justification for any questions of a sensitive nature.

There are no questions or information of a sensitive nature, or data that would normally be considered private matters contained in this collection of information.

12. Estimate of burden hours for information collected.

Respondent universe for all Rail Safety Equipment Checklist Forms is mainly FRA Customers (i.e., Equipment Car Builders/Owners/ Railroads) and State Inspectors totaling approximately 130. FRA Federal Inspectors also use these forms. Of course, under the 1995 Paperwork Reduction Act (PRA), there is no burden associated with the use of these regular duty forms and the total burden requested below accounts for FRA Customers/State Inspectors only.

Per OMB's request, FRA is including the annual dollar cost equivalent of the requested burden hours below. FRA is using an average hourly rate for State employees of \$61.20 per hour (\$34.97 per hour plus 75% overhead) based on data from the U.S. Department of Labor Statistics, Occupational Employment and Wages, May 2017, OES 11-3011. https://www.bls.gov/oes/current/naics4_999200.htm

The burden associated with each of the Safety Appliance Guidance Checklist Forms is calculated as follows:

Form FRA 6180.161a – Safety Appliance Guidance Checklist Forms (S-2044 Appendix A-1)

Respondent Universe:

130
FRA
Custo
mers/
State
Inspect
ors

Burden time per response:

60
minutes

Frequency of Response: Annually

Annual number of Responses: 20 forms

Annual Burden: 20 hours

Annual Dollar Cost: \$1,224 (\$61.20 x 20 hrs.)

Calculation: 20 forms x 60 min. = 20 hours

Form FRA 6180.161b - Safety Appliance Guidance Checklist Forms (S-2044 Appendix B-1)

Respondent Universe:

130
FRA
Customers/
State
Inspect
ors

Burden time per response: 60
minutes

Frequency of Response: Annually

Annual number of Responses: 7 forms

Annual Burden: 7 hours

Annual Dollar Cost: \$428 (\$61.20 x 7 hrs.)

Calculation: 7 forms x 60 min. = 7 hours

Form FRA 6180.161c - Safety Appliance Guidance Checklist Forms (S-2044 Appendix C-1)

Respondent Universe:

130
FRA
Custo
mers/
State
Inspect
ors

Burden time per response:

60
minutes

Frequency of Response:

Annually

Annual number of Responses: 15 forms
Annual Burden: 15 hours
Annual Dollar Cost: \$918 (\$61.20 x 15 hrs.)

Calculation: 15 forms x 60 min. = 15 hours

Form FRA 6180.161d - Safety Appliance Guidance Checklist Forms (S-2044 Appendix D-2)

Respondent Universe:

130
FRA
Custo
mers/
State
Inspect
ors

Burden time per response:

60
minutes

Frequency of Response: Annually

Annual number of Responses: 15 forms

Annual Burden: 15 hours

Annual Dollar Cost: \$918 (\$61.20 x 15 hrs.)

Calculation: 15 forms x 60 min. = 15 hours

Form FRA 6180.161e - Safety Appliance Guidance Checklist Forms (S-2044 Appendix D-3)

Respondent Universe:

130
FRA
Customers/
State
Inspectors

Burden time per response: 60 minutes

Frequency of Response: Annually

Annual number of Responses: 15 forms

Annual Burden: 15 hours

Annual Dollar Cost: \$918 (\$61.20 x 15 hrs.)

Calculation: 15 forms x 60 min. = 15 hours

Form FRA 6180.4161f - Safety Appliance Guidance Checklist Forms (S-2044 Appendix D-4)

Respondent Universe:

130
FRA
Custo

		mers/ State Inspect ors
Burden time per response:		60 minutes

Frequency of Response:		Annually
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Annual number of Responses:	10 forms	
Annual Burden:		10 hours
Annual Dollar Cost:		\$612 (\$61.20 x 10 hrs.)

Calculation: 10 forms x 60 min. = 10 hours

Form FRA 6180.161g - Safety Appliance Guidance Checklist Forms (S-2044 Appendix E-1)

Respondent Universe:

		130 FRA Custo mers/ State Inspect ors
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Burden time per response:		60 minutes
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Frequency of Response:		Annually
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Annual number of Responses:	3 forms	
Annual Burden:		3 hours
Annual Dollar Cost:		\$184 (\$61.20 x 3 hrs.)

Calculation: 3 forms x 60 min. = 3 hours

Form FRA 6180.161h - Safety Appliance Guidance Checklist Forms (S-2044 Appendix E-2)

Respondent Universe:

130
FRA
Custo
mers/
State
Inspect
ors

Burden time per response:

60
minutes

Frequency of Response:

Annually

Annual number of Responses: 3 forms

Annual Burden:

3 hours

Annual Dollar Cost:

\$184 (\$61.20 x 3 hrs.)

Calculation: 3 forms x 60 min. = 3 hours

Form FRA 6180.161i - Safety Appliance Guidance Checklist Forms (S-2044 Appendix E-1)

Respondent Universe:

130
FRA
Custo
mers/
State
Inspect

Burden time per response: 60
minutes

Frequency of Response: Annually

Annual number of Responses: 20 forms
Annual Burden: 20 hours
Annual Dollar Cost: \$1,224 (\$61.20 x 20 hrs.)

Calculation: 20 forms x 60 min. = 20 hours

Form FRA 6180.161j - Safety Appliance Guidance Checklist Forms (S-2044 Appendix F-2)

Respondent Universe:

130
FRA
Custo
mers/
State
Inspect
ors

Burden time per response: 60
minutes

Frequency of Response: Annually

Annual number of Responses: 3 forms
Annual Burden: 3 hours
Annual Dollar Cost: \$184 (\$61.20 x 3 hrs.)

Calculation: 3 forms x 60 min. = 3 hours

Form FRA 6180.161k - Safety Appliance Guidance Checklist Forms (S-2044 Appendix G-1)

Respondent Universe:

130
FRA
Custo
mers/
State
Inspect
ors

Burden time per response:

60
minutes

Frequency of Response:

Annually

Annual number of Responses: 10 forms

Annual Burden: 10 hours

Annual Dollar Cost: \$612 (\$61.20 x 10 hrs.)

Calculation: 10 forms x 60 min. = 10 hours

The total estimated burden for this entire information collection is **121 hours**, and the total estimated annual dollar equivalent cost amounts to **\$7,406**.

13. Estimate of total annual costs to respondents.

There are no additional costs to respondents other than those identified in Item12 above.

14. Estimate of Cost to Federal Government (Cost includes overhead at 75%).

The total cost to the Federal government amounts to **\$231,650** (one full-time GS-14-8 employee who manages the Sample Car program and receives/reviews all Safety Appliance Guidance Checklist forms; 2,080 hours @ approximately \$111.37 per hour).

15. Explanation of program changes and adjustments.

The total burden requested for this renewal information collection submission is **121 hours** and **121 responses**. It is an extension without change. Thus, there are no **program changes** or **adjustments** at this time.

The current OMB inventory displays a total burden of **121 hours** and **121 responses**, while the present submission exhibits a burden total of **121 hours** and **121 responses**. Hence, there is **no change** in burden from the last approved submission.

Also, there is **no change** in burden cost to respondents from the last approved submission.

16. Publication of results of data collection.

There are no plans for publication of this submission. The data will be used to conduct more thorough, more consistent, more efficient, and more effective inspections of rail freight equipment by FRA and State Safety inspectors.

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.

Department of Transportation (DOT) Strategic Goals

This information collection supports the main DOT strategic goal, namely transportation safety. Specifically, without this collection of information, FRA would have no means to ensure that FRA and State MP&E safety inspectors thoroughly and consistently inspect various types of newly built and retrofit re-manufactured freight cars (sample cars) to determine that they fully conform to the specific requirements of the appropriate section of 49 CFR Part 231 (*Railroad Safety Appliance Standards*) and now AAR Standard 2044 (S-2044) before they are placed in service. Without these proposed new forms, it is highly probable that FRA and State MP&E inspectors will continue to miss defects and deficiencies in newly constructed and retrofit re-manufactured freight cars because they

do not have a systematic and methodical way to check that each item on that type of car fully conformed to the appropriate section of the Safety Appliance Standard regulation. Without this collection of information then, there is likely to be a greater risk that freight cars with defects and deficiencies are put into service by the nation's railroads. This could lead to greater numbers of accidents/incidents (e.g., derailments, collisions, mechanical breakdowns) that could cause increased casualties (severe injuries and fatalities) to American railroad personnel and the traveling public.

In sum, the collection of information supports both DOT's and FRA's main mission, which is to promote and enhance safe transportation throughout the United States, by serving to support more thorough, more accurate, more consistent, and more efficient rail freight safety car inspections.

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.