

SUPPORTING JUSTIFICATION – Part A
Inquiry into Blocked Highway-Rail Grade Crossings throughout the United States; OMB No. 2130-NEW
Form Number FRA F 6180.175

Summary of Submission

- This is a new collection of information related to blocked highway-rail grade crossings in the U.S.
- FRA published the required 60-day **Federal Register** Notice on June 14, 2019. See 84 FR 27832. FRA received 191 comments in response to this Notice.
- FRA is publishing the required 30-day Notice in the Federal Register on **September 20, 2019**. See 84 FR 49611.
- The total burden **hours requested** for this information collection submission is **250 hours**.
- Total number of **responses requested** for this submission is **5,000**.
- By definition, this entire information collection submission is a **program change**.

The answer to question **number 12 itemizes the hourly burden associated with each requirement of this rule (See pp. 6-7).

1. Circumstances that make the collection of information necessary.

Blocked highway-rail crossings are a safety concern, an economic issue, and a quality of life issue around the country. For instance, pedestrians may cut under or through idling trains, and emergency response vehicles and first responders may be delayed or prevented from responding to an incident or transporting patients to a hospital. In addition, drivers may take more risks, such as driving around lowered gates at a crossing or attempting to beat a train through a crossing without gates to avoid a lengthy delay, if they are aware that trains routinely block a crossing for extended periods of time. Besides the safety concerns, there are also economic impacts that affect businesses, such as stores or restaurants not being accessible to a customer base for an extended period of time. Finally, excessively blocked crossings may create societal nuisances, such as roadway congestion, late mail service and deliveries, disrupted school and work arrivals and dismissals, or missed appointments.

Although there are no Federal regulations regarding blocked crossings, the Federal Railroad Administration (FRA) is often involved in the outreach and facilitation of solutions between stakeholders, which include local agencies, EMS personnel, railroad companies, and others. Local communities and the general public often consult with congressional representatives regarding blocked crossings in their area, and those congressional representatives then inquire with FRA about blocked crossing data for that location. However, FRA does not have a consistent method of tracking blocked crossing data and information.

Currently, FRA is typically notified of blocked crossings from the public via e-mail through a generic “Contact Us” link on FRA’s website. That link is used by the general public to submit comments and questions to FRA’s Office of Railroad Safety, not just reports of blocked crossings. Accordingly, the information submitted varies and often does not identify the key facts (e.g., location, time, duration, impact) of the incident being reported, making it difficult (or even impossible) for FRA to follow up and determine the cause of the incident.

FRA is proposing to add new, dedicated links to its existing website and smartphone application (the Rail Crossing Locator smartphone app) for users (including members of the public) to report blocked crossings. The links will specifically request information on the location of the blocked crossing and the time, duration, and impacts of the blocked crossing event. The website and smartphone app portal will allow for the collection of standardized information and will tell FRA the location, time, and duration, and what potential impacts resulted from the identified blocked crossing incidents. The website will also have a separate dedicated portal (secured by login), for law enforcement agencies to report blocked crossings in a similar manner.

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

The proposed data collection would be gathered using three methods:

1. A link would be added to FRA's existing website directing users to a web-based form to submit information about a blocked crossing to FRA. Access to this web form would be unrestricted and available to the general public.
2. A link would be added to the existing FRA smartphone app "Rail Crossing Locator" that will direct users to the web-based form to submit information about a blocked crossing to FRA. Access to the form on the smartphone app would be unrestricted and available to the general public.
3. A link would be added to FRA's existing website directing Law Enforcement Personnel (LE) to submit information about a blocked crossing. Access for LE to use the form would be restricted to a username and password, managed by FRA to ensure only LE can access this form.

FRA will use the data to gain a more complete picture of where, when, for how long and what impacts result from reported blocked crossing incidents. FRA will maintain this data to facilitate meetings, outreach, and other solutions between stakeholders to reduce or eliminate blocked crossing concerns. Also, FRA will be better able to respond to congressional inquiries so that congressional staff can respond to their constituents.

3. Extent of automated information collection.

The collection of information will be completed through electronic means over the internet. The website portal will contain form questions to be entered and submitted online by the general public for free with unrestricted access. The existing Rail Crossing Locator smartphone app will also contain a link to the online website portal. Finally, LE will have free access via a secured login website to the same form to report the information to FRA.

There will be no cost to the general public or LE to access the form and submit the information. It will also be more efficient and less burdensome than printing hard-copy forms and mailing them to FRA. Using the web form will also reduce FRA's costs by automating how the data is received.

4. Efforts to identify duplication.

At this time, there is no other central or formal way for the public to submit a report of a blocked crossing that identifies the key facts (e.g., location, time, duration, impact) of the incident being reported within the Federal Government or Department of Transportation. Currently, FRA is typically notified of blocked crossings from the public via e-mail through a generic "Contact Us" link on the FRA website. However, once the new

reporting website portal is active, it will be displayed prominently on the FRA website homepage. Therefore, FRA expects a significant reduction of blocked crossing reports to be through the generic “Contact Us” link. In addition, it is expected that a person will report through the new website portal and not through the generic “Contact Us” link, nor through both options. Thus, there shouldn’t be duplicated reports from the same person sent to FRA from both sources. Also, because there are very few blocked reports expected to come through the generic “Contact Us” link after the new website portal is active, any that do will be cross-checked against the reports that come in through the new website portal.

5. Efforts to minimize the burden on small businesses.

There are no impacts to small businesses anticipated in this data collection.

6. Impacts of less frequent collection of information.

Along with the fast and efficient movement of people and goods throughout the United States, FRA’s core mission is to improve safety by reducing the number of rail accidents/incidents that occur annually and the injuries, property damage, and fatalities that accompany them. Both missions may be compromised by blocked highway-rail grade crossings. Without accurate data on the locations, times, durations, and impacts of blocked crossings, FRA cannot effectively help the parties involved mitigate or eliminate the safety, economic, and quality of life issues from blocked crossings.

7. Special circumstances.

There are no special circumstances related to the information being collected for this study.

8. Compliance with Title 5 Code of Federal Regulations Section 1320.8.

FRA published the required 60-day Notice in the **Federal Register** on **June 14, 2019**, requesting public comment on the proposed study pertaining to this new information collection. See 84 FR 27832. FRA received 191 comments in response to this Notice.

FRA received numerous comments on the 60-day notice from individuals, representatives of private companies, cities, community hospitals, police departments, and State agencies, including the Washington Utilities and Transportation Commission (UTC), the Illinois Commerce Commission (ICC), and the Public Utilities Commission of Ohio. Commenters across several states, including Indiana, Illinois, Texas, Oklahoma, Nebraska, Utah and Washington, alluded to the severity of the problem of blocked crossings in their communities. Many commenters provided FRA with feedback regarding ongoing problems with blocked highway-rail grade crossings in their communities. FRA thanks these commenters for their input. However, for purposes of

this information collection request, FRA is only responding to comments that relate to the proposed blocked crossing data collection's burden estimates and not on blocked crossings generally.

FRA reviewed numerous comments in support of the blocked crossing data collection from individuals who expressed their frustrations with the current reporting process. These comments discussed the need for greater reporting accuracy and for the public to have a mechanism for reporting slow-moving or stopped trains at railroad crossings. One commenter questioned the low number of blocked crossing complaints (669 complaints over a two-year period) cited in the 60-day notice of the proposed data collection and asserted that the number of responses will be significantly higher if the proposed data collection is properly promoted. The Chicago Metropolitan Agency for Planning shared with FRA potential alternative techniques for data collection to evaluate the impacts of blocked crossings on local communities, and the UTC urged FRA to gather information about the location, duration, and nature of the crossing blockages and recommended that FRA develop a national educational campaign providing information on how to report blocked crossings.

The Association of American Railroads (AAR) commented on what it believes to be several issues with the method and quality of the proposed data collection. The AAR notes that the 60-day notice did not "define what constitutes either a 'blocked crossing' or a 'slow moving' train." Further, the AAR asserts that FRA has not established any mechanism that would enable it – or the railroads – to verify or investigate public reports of blocked crossings and therefore questions the reliability and usefulness of the data. Instead, the AAR recommends that FRA direct the public to the railroad for any "blocked crossing" or "slow moving train" concerns.

FRA believes the number of comments submitted illustrates both the need and the urgency to carry out the proposed data collection. The proposed data collection will collect information on the impacts of blocked crossings, while also gathering data on the location, time, and duration of reported blocked crossing incidents. FRA does not believe the proposed data collection will create the expectation that FRA and the railroads involved will investigate and take action in response to reported blocked crossing incidents.

As noted, the form will state that there are no federal laws or regulations that specifically address the length of time trains are permitted to occupy a crossing. The form will also state that the information collected is only being used to determine the locations, times, and impacts of blocked crossing incidents. However, FRA will consider modifying language on the form to clarify that no investigation or action should be expected by submitting the survey and that there may be legitimate safety and operations-related reasons for a crossing to be occupied by a slow-moving or idling train.

Some commenters, such as the ICC, observed that FRA's estimates for the proposed data

collection in the 60-day notice were much too low and that FRA's simple survey could take less than two minutes to complete. In response to those comments, FRA has taken a second look at its estimates proposed in the 60-day notice and revised them. FRA estimated the number of responses based on the existing rate of complaints received about blocked crossings. However, this estimate did not include the anticipated impact of future public promotion of this proposed data collection. FRA agrees with the comment that it should promote the proposed data collection and educate the public on how to report blocked crossings. FRA believes this could result in a tenfold increase in the response rate. Therefore, the estimated number of responses has been increased by doubling the previous estimate. FRA reevaluated its estimated time to complete the survey and estimates that it will take a responder approximately 3 minutes to complete.

Further, FRA is publishing the required second or 30-day Notice in the **Federal Register** on **September 20, 2019**, specifying any public comments be sent directly to the Office of Management and Budget (OMB). See 84 FR 49611.

9. Payment or gifts to respondents.

There are no payments or gifts for the respondents of this collection.

10. Assurances of Confidentiality.

There will be no personally identifying information collected from the respondents. The questions on the form will only ask about the date, time, location, duration, and impacts of the blocked crossings. The respondent will not be able to submit any personal information, such as their name, address, phone number, email address, etc. Therefore, there are no concerns with confidentiality.

11. Justification for collection of sensitive information.

There will be no sensitive information collected from the respondents. The questions on the form will only ask about the date, time, location, duration, and impacts of the blocked crossings.

12. Estimate of burden hours for information requested.

The information collection burden is estimated to be approximately three minutes per report submitted. FRA uses a wage rate of \$27 per hour for each respondent.¹ FRA estimates a total of 250 annual burden hours for this information collection request. FRA estimates the total annual cost equivalent of this burden to be approximately \$6,750.

¹ FRA obtained the \$27/hour wage rate to represent the value of each public respondent's time. FRA obtained this data from the Department of Labor, Bureau of Labor Statistics.

Form	Total Annual Responses	Average Time Per Response	Total Annual Burden Hours	Wages (\$U.S.)	Total Cost Equivalent
General Public via the unrestricted form on the FRA website	3,500 responses	3 minutes	175 hours	\$27	\$4,725
General Public via the FRA Crossing Locator Phone Application	500 responses	3 minutes	25 hours	\$27	\$675
Law Enforcement Agencies via the secure form on the FRA website	1,000 responses	3 minutes	50 hours	\$27	\$1,350
Total	5,000 responses	NA	250 hours		\$6,750

13. Estimate the total annual costs to respondents.

There are no capital costs anticipated with this collection.

14. Estimate of costs to the Federal Government.

The average hourly rate for the GS-12, 13, and 14 employees in the Washington, D.C. metropolitan area are found by taking the annual salaries from the Office of Personnel Management² and dividing by 2,080 (52 weeks x 40 hours per week). The midpoint for each pay range, Step 5, is used in this estimate.

GS-12, Step 5 = \$94,520 per year, \$45.44 per hour
 GS-13, Step 5 = \$112,393 per year, \$54.04 per hour
 GS-14, Step 5 = \$132,818 per year, \$63.85 per hour

FRA estimates an annual cost of approximately \$60,280 to the Federal Government for this information collection request. This estimate comprises of a year one cost estimate of approximately \$67,263 to account for one-time first year costs for website and smartphone application development; and recurring costs in years two and three of \$56,788 for inquiry analysis and responses. The table below displays the estimated costs to the Federal Government.

Estimated Costs to the Federal Government:

² <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/DCB.pdf>

Task	GS Level	Annual Hours	Hourly Rate	Total Annual Cost for Year 1	Total Annual Costs for Years 2 & 3
Paperwork Reduction Act Requirements (First Year Only)	12	16	\$45.44	\$727	\$0
	13	24	\$54.44	\$1,307	\$0
	14	16	\$63.85	\$1,022	\$0
Develop and Test Website Form (First Year Only)	13	40	\$54.44	\$2,178	\$0
	14	24	\$63.85	\$1,532	\$0
Develop and Test Link from Smartphone App (First Year Only)	13	40	\$54.44	\$2,178	\$0
	14	24	\$63.85	\$1,532	\$0
Data Analysis	12	416 (8 hours per week)	\$45.44	\$18,903	\$18,903
	14	208 (4 hours per week)	\$63.85	\$13,281	\$13,281
Respond to External Inquiries	13	208 (4 hours per week)	\$54.44	\$11,324	\$11,324
	14	208 (4 hours per week)	\$63.85	\$13,281	\$13,281
Total				\$67,263	\$56,788
Annual Average Cost				\$60,280	

Note: Table may not sum due to rounding

15. Explanation of program changes or adjustments.

This is a new collection of information. The total requested burden for this information collection is 250 hours and 5,000 responses. By definition, this entire submission is a **program change**.

16. Publication of results of data collection.

There are no plans to publish the collected data in a report or on a public website. The information will be used internally at FRA to identify trends, impacts, and “hot spot” locations. The information will also be shared as needed with local communities, railroads, and inquiring parties.

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

Once OMB approval is received, FRA will list the approval number and expiration date on the website forms.

18. Exceptions to certification statement.

No exceptions are taken at this time.