

**FEDERAL RAILROAD ADMINISTRATION**  
**System Safety Program Plan**  
**(Title 49 Code of Federal Regulations Part 270)**  
**SUPPORTING JUSTIFICATION**  
**OMB Control No. 2130-0599**

Summary of Submission

- This submission is a request for an extension with change of the last approval granted by the Office of Management and Budget (OMB) on **October 5, 2016**, which expires on **October 31, 2019**.
- The Federal Railroad Administration (FRA) published the required 60-day Notice in the *Federal Register* (FR) on **August 21, 2019**. (See 84 FR 43645.) FRA received no comments in response to this Notice.
- The total number of burden hours **previously approved** by OMB for this collection is **9,365 hours** and the total number of responses **previously approved** is **1,240**.
- The total number of burden **hours requested** is **2,084 hours** and the total number of responses **requested** is **738**.
- The total burden for this collection has decreased by 7,281 hours and by 502 responses.
- \*\*The answer to question **number 12** itemizes the hourly burden associated with each information collection requirement associated with this rule. (See pages 10–12.)
- \*\*The answer to question **number 15** itemizes all adjustments associated with this rule. (See pages 13–17.)

**1. Circumstances that make collection of the information necessary.**

Background

In 2016, FRA published the System Safety Program (SSP) Rule as a part of FRA's efforts to continuously improve rail safety and to satisfy the Railroad Safety Improvement Act (RSIA) of 2008. (See 81 FR 53850, August 12, 2016, codified at Title 49 Code of Federal Regulations (49 CFR) Part 270, *System Safety Program*.) The SSP rule, effective since October 3, 2016, implemented Sections 103 and 109 RSIA of 2008 as they apply to railroad carriers that provide intercity rail passenger or commuter rail passenger transportation (passenger railroads). (See 49 U.S.C. 20156, 20118, and 20119.) In

Section 103, Congress directed the Secretary of Transportation to issue a regulation requiring certain railroads to develop, submit to the Secretary for review and approval, and implement a railroad safety risk-reduction program. The Secretary has delegated this responsibility to the FRA Administrator. (See 49 CFR 1.49(oo) and 74 FR 26981, June 5, 2009. See also 49 U.S.C. 103(g).) The railroads that are required to be subject to such a regulation include the following: (1) Class 1 railroads; (2) railroad carriers with inadequate safety performance, as determined by the Secretary; and (3) passenger railroads that provide intercity rail passenger or commuter rail passenger transportation (passenger railroads).

The rule requires commuter and intercity passenger railroads to develop and implement an SSP. An SSP is a structured program with proactive processes and procedures, developed and implemented by passenger railroads. These processes and procedures will identify and then mitigate or eliminate hazards and the resulting risks on a railroad's system. An SSP encourages a railroad and its employees to work together to proactively identify hazards and to jointly determine what, if any, action to take to mitigate or eliminate the resulting risks. The rule provides each railroad with a certain amount of flexibility to tailor an SSP to its specific operations.

An SSP is implemented by a written SSP Plan. The SSP regulation sets forth various elements that a railroad's SSP Plan is required to contain to properly implement an SSP. The main components of an SSP are the risk-based hazard management program and risk-based hazard analysis. A properly implemented risk-based hazard management program and risk-based hazard analysis will identify the hazards and resulting risks on a railroad's system, require railroads to develop methods to mitigate or eliminate these hazards and risks—if practicable—and set forth a plan to implement these methods. As part of its risk-based hazard analysis, a railroad will consider various technologies that may mitigate or eliminate the identified hazards and risks.

In summary, FRA issued a final rule requiring commuter and intercity passenger railroads to develop and implement an SSP to improve the safety of their operations. An SSP is a structured program with proactive processes and procedures developed and implemented by commuter and intercity passenger railroads to identify and mitigate or eliminate hazards and the resulting risks on each railroad's system. A railroad has a certain amount of flexibility to tailor an SSP to its specific operations. An SSP will be implemented by an SSP Plan and submitted to FRA for approval. FRA will audit a railroad's compliance with its SSP.

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

This is an extension with change to a current collection of information entirely associated with FRA's Part 270 rule. The information collected under this rule will be used by FRA to ensure that commuter and intercity passenger railroads establish and implement SSPs

to improve the safety of their operations and to ensure compliance. Each railroad will use its SSP to proactively identify and mitigate or eliminate hazards at an early stage, thereby decreasing the resulting risk on its system and reducing the number of railroad accidents, incidents, associated injuries, fatalities, and property damage. SSPs are intended, then, to promote a positive safety culture.

To properly implement an SSP, railroads will be required to develop an SSP Plan. Under the rule, each railroad is required to consult with employees who are directly affected on its SSP Plan. As part of that consultation, a railroad must utilize good faith and best efforts to reach an agreement with its directly affected employees on the contents of its plan. Consultation statements must contain a detailed description of the process a railroad utilized to consult with directly affected employees and should contain information such as (but not limited to) the following: (1) how many meetings the railroad held with its directly affected employees; (2) what materials the railroad provided its directly affected employees regarding the draft SSP Plan; and (3) how input from directly affected employees was received and handled during the consultation process. If the railroad is unable to reach agreement with its directly affected employees on the contents of its SSP Plan, the consultation statement must identify any areas of non-agreement and provide an explanation for why it believes an agreement was not reached.

The consultation statement must also identify if the SSP Plan would affect a collective bargaining agreement between a railroad and a non-profit employee labor organization and explain how the railroad's SSP would affect it. Moreover, a consultation statement must include a service list containing the names and contact information for the international/national president and general chairperson of any non-profit employee labor organization representing directly affected employees, any labor representative who participated in the consultation process, and any directly affected employee who significantly participated in the consultation process independently of a non-profit labor organization. FRA will review required railroad consultation statements to confirm that a railroad has consulted with its directly affected employees. Requiring each railroad to provide individuals identified in the service list with a copy of its submitted SSP Plan and consultation statement notifies those individuals that they now have 60 days (under 49 CFR § 270.102(c)(2)) to submit a statement to FRA if they are not able to reach an agreement with the railroad on the contents of the SSP Plan. FRA will consider both railroad consultation statements and employee comments/statements in making its determination regarding approval of a railroad's SSP Plan.

FRA will review and evaluate each SSP Plan to ensure that it meets all the requirements set forth in the proposed rule (under 49 CFR § 270.103, *System safety program plan*), including the record of training of employees, and to ensure that each SSP Plan promotes and supports a positive safety culture. In particular, each SSP Plan must have a policy statement that endorses a railroad's SSP. The policy statement should define, as clearly as possible, a railroad's authority for the establishment and implementation of an SSP.

The policy statement would be required to be signed by the chief official of the railroad. This signature would indicate that the top level of management at the railroad endorses the SSP. Also, each SSP Plan must contain a statement that describes the purpose and scope of the railroad's SSP. This statement would be required to have three elements, at a minimum. First, the statement would describe the safety philosophy and safety culture of the railroad. Second, the railroad's management responsibilities would be described within the SSP to identify the personnel within the railroad's management who are responsible for various aspects of the SSP. Last, the statement would be required to describe how railroads, contractors, shared track/corridor operators, and any other entity or person that provides significant safety-related service would support and participate in the railroad's SSP. These elements of the SSP Plan will provide FRA with an overview of the railroad's system safety and help the agency to understand how all of the various actors and entities can work together to maintain and enhance railroad safety.

Particularly important in each railroad SSP Plan will be the risk-based hazard management program and risk-based hazard analysis. A properly implemented risk-based hazard management program and risk-based hazard analysis would identify the hazards and resulting risks on a railroad's system, develop methods to mitigate or eliminate these hazards and risks—if practical—and set forth a plan to implement these methods. As part of its risk-based hazard analysis, a railroad would consider various technologies that may mitigate or eliminate the identified hazards and risks. The risk-based hazard management program and risk-based hazard analysis will be used by railroads to assess the nature and severity of risks and will enable them to address these risks in a systematic and comprehensive way wherever possible. FRA will evaluate each railroad's risk-based hazard management program and risk-based hazard analysis to ensure that the railroad has a structured program and set methodology to address the various hazards it has discovered after carefully examining its entire system for potential dangers. Each SSP Plan will also articulate system safety goals. FRA will review each SSP Plan to determine whether the stated goals are realistic and achievable. In its approval or disapproval of each SSP Plan, FRA will provide essential feedback to railroads to ensure that their SSPs and implementations of SSP Plans meet statutory and regulatory objectives.

Once FRA approves a railroad's SSP Plan, the rule requires the railroad to conduct an annual assessment to determine: (1) the extent to which the SSP is fully implemented; (2) the extent of the railroad's compliance with the implemented elements of the approved SSP Plan; and (3) the extent to which the railroad has achieved the goals set forth as proposed in 49 CFR § 270.103(d), *Railroad system description*. Each commuter and intercity passenger railroad will use this internal assessment to evaluate the progress of its SSP implementation and the areas in which improvement is necessary.

Finally, under section 270.305, *External safety audit*, FRA will conduct safety audits of each commuter and intercity passenger railroad's SSP. FRA will use these audits to

determine the extent of each railroad's compliance with elements required by this Part in the railroad's SSP Plan. During the audit, FRA will maintain communication with the railroad and attempt to resolve any issues before completion of the audit. Once the audit is completed, FRA will provide the railroad with written notification of the audit results. These results will identify any areas in which the railroad does not comply with its SSP, any areas that need to be addressed by the SSP but are not, and any other areas in which FRA believes the railroad and its plan are not in compliance with this part.

If the results of the audit require the railroad to take any corrective action, the railroad is provided 60 days to submit an improvement plan, for FRA approval, to address the audit findings. The improvement plan will identify who is responsible for carrying out the necessary tasks to address the audit findings and specify target dates and milestones to implement the improvements that address the audit findings. Specification of milestones is important because it will allow the railroad to determine the appropriate progress of the improvements while helping FRA to gauge the railroad's compliance with its improvement plan. If FRA does not approve a railroad's improvement plan, FRA will notify the railroad of the specific deficiencies in the improvement plan. The railroad will then amend the improvement plan to correct the deficiencies identified by FRA and provide FRA a copy of the amended improvement plan no later than 30 days after the railroad received notice from FRA that its improvement plan was not approved. Upon request, the railroad must provide a report for review to FRA and States participating under Part 212 of this chapter regarding the status of the implementation of the improvements set forth in the improvement plan established pursuant to paragraph (b)(1) of this section. FRA will review these reports to monitor the progress of improvements spelled out in the railroad's improvement plan.

**3. Extent of automated information collection.**

Over the years, FRA has strongly supported and highly encouraged the use of advanced automated technology, particularly electronic recordkeeping, to reduce the burden on railroads and other entities that submit or retain information required by the agency. 49 CFR Section 270.201(e), *Electronic submission*, permits all documents required to be submitted under this Part to be submitted electronically. Thus, 100 percent of responses can be submitted electronically if railroads and labor organizations so choose.

Further, to provide guidance on electronic submission, FRA added Appendix C to Part 270, *Procedures for Submission of SSP Plans and Statements from Directly Affected Employees*.

**4. Efforts to identify duplication.**

FRA is not aware of any relevant Federal rules and associated information collections that may duplicate, overlap, or conflict with the proposed rule. The proposed rule and

associated information collection support comprehensive safety for railroad operations throughout the country.

Data collected are not available from any other source.

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

The “universe” of the entities under consideration includes only those small entities that can reasonably be expected to be directly affected by the provisions of this final rule. For this rule, there is only one type of small entity that is affected: small railroads.

“Small entity” is defined in 5 U.S.C. 601. Section 601(6) defines “small entity” as having “the same meaning as the terms ‘small business,’ ‘small organization,’ and ‘small governmental jurisdiction,’” as defined by section 601. Section 601(3) defines a “small business” as having the same meaning as a “small business concern” under Section 3 of the Small Business Act. Section 601(4) defines “small organization” as “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.” Section 601(5) defines “small governmental jurisdiction” as “governments of cities, counties, towns, townships, villages, school districts, or special districts with a population of less than fifty thousand.”

The U.S. Small Business Administration (SBA) stipulates “size standards” for small entities. It provides that the largest a for-profit railroad business firm may be (and remain classified as a “small entity”) is 1,500 employees for “Line-Haul Operating” railroads and 500 employees for “Short-Line Operating” railroads.<sup>1</sup>

Federal agencies may adopt their own size standards for small entities in consultation with SBA and in conjunction with public comment. Pursuant to the authority provided to it by SBA, FRA has published a final policy, which formally establishes small entities as railroads that meet the line haulage revenue requirements of a Class III railroad.<sup>2</sup> FRA used this definition for this rulemaking in preparation of the proposed rule along with the stipulation on government entities or agencies that serve small communities as stated above.

Commuter and intercity passenger railroads would have to comply with all provisions of Part 270; however, the amount of effort to comply with the rule is commensurate with the size of the entity.

There are two intercity passenger railroads, the National Railroad Passenger Corporation (Amtrak) and Alaska Railroad, of which neither can be considered a small entity. Amtrak is a Class I railroad and Alaska Railroad is a Class II railroad. Alaska Railroad is owned by the State of Alaska, which has a population well above 50,000.

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<sup>1</sup> “Table of Size Standards,” U.S. Small Business Administration, January 31, 1996, Title 13 CFR Part 121.

<sup>2</sup> See 68 FR 24891, May 9, 2003.

There are 33 commuter or other short-haul passenger railroad operations in the United States. Most of these commuter railroads are part of larger transit organizations that receive Federal funds and serve major metropolitan areas with populations greater than 50,000. However, two of these railroads do not fall in this category and are considered small entities: Saratoga and North Creek Railway and the Hawkeye Express (operated by the Iowa Northern Railway Company). All other passenger railroad operations in the United States are part of larger governmental entities, whose service jurisdictions exceed 50,000 in population. Based on the definition, they are not considered to be small entities.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 605(b)), FRA certifies that the SSP rule will not have a significant economic impact on a substantial number of small entities. FRA invited all interested parties to submit data and information regarding the potential economic impact that will result from adoption of the proposals in the Notice of Proposed Rulemaking (NPRM) and has addressed those comments in determining that, although a substantial number of small railroads will be affected by this final rule, none of these entities will be significantly impacted.

It should also be noted that the rule does not apply to the following:

- (1) Rapid transit operations in an urban area that are not connected to the general railroad system of transportation;
- (2) Tourist, scenic, historic, or excursion operations, whether on or off the general railroad system of transportation;
- (3) Operation of private cars, including business/office cars and circus trains; or
- (4) Railroads that operate only on track inside an installation that is not part of the general railroad system of transportation (i.e., plant railroads, as defined in § 270.5).

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

If this collection of information were not conducted, or if it were conducted less frequently, rail safety in the United States might be considerably hampered. Specifically, without this collection of information, FRA could not be assured that commuter and intercity passenger railroads have established and implemented an SSP to improve their operations. Without SSPs, there would not be concerted efforts by railroads to proactively identify and mitigate or eliminate hazards throughout their systems at an early stage. Hazards would remain unnoticed and unaddressed, and they would likely increase the risk that they present to both railroad employees and the general public. Greater

numbers of rail accidents and incidents and corresponding increases in injuries, fatalities, and property damage would likely result without the risk-reduction efforts associated with SSPs and SSP Plans.

Without the required railroad consultation statement, FRA would have no way to know whether commuter and intercity passenger railroads informed their employees of their SSP Plans. FRA would be unable to determine if railroads used good faith and made best efforts to reach an agreement with their directly affected employees on the contents of their SSP Plans. Employee input to the content of the SSP Plan is essential to have the best, most comprehensive SSP Plan. Without the required consultation statement, FRA would not know how many meetings the railroad held with its directly affected employees, what materials the railroad provided to its directly affected employees regarding the draft SSP Plan, or how input from directly affected employees was received and handled during the consultation process. Without the railroad consultation statements and corresponding employee statements, FRA would be working with incomplete and inadequate information regarding its approval decision of an SSP Plan.

Without the required risk-based hazard management program and risk-based hazard analysis provided in an SSP Plan, FRA would not be able to determine whether railroads have a structured program and set methodology to address the various hazards they discover after carefully examining their entire systems for potential dangers. These components of the SSP Plan provide important information that FRA will use in determining whether each railroad's articulated safety goals are realistic and achievable. Effective SSP Plans will meet all of the rule's requirements and promote a culture of safety to reduce the number of rail accidents/incidents that take place each year in this country.

Without the required internal annual assessment of their approved SSP Plans, railroads would not have an accurate and informed view of the progress they are making in implementing their SSPs. This annual assessment will provide a yardstick at any given point in time for the railroads to see in which areas they are fully implementing their SSPs and in compliance with the various elements of their SSP Plans, as well as in achieving their stated system safety goals. Without this internal assessment of their approved SSP Plans, safety gains might be temporary and incomplete. Without extensive systematic and long-lasting safety gains through the complete implementation of each railroad's SSP Plan, increased numbers of accidents and incidents and corresponding injuries, fatalities, and property damage are bound to occur.

Finally, without the external audits conducted by agency staff of each commuter and intercity passenger railroad's SSP, FRA would be unable to determine the extent of each railroad's compliance with the rule's requirements and would be unable to convey to each railroad any areas in which it is not complying with its SSP, areas that need to be addressed by the SSP but are not, or other areas in which FRA believes the railroad and



its SSP Plan are not in compliance with this Part. Without these audits, rail safety will suffer from potential unexposed and unaddressed risks, and more rail accidents/incidents will likely ensue.

In summary, this collection aids FRA and railroads in promoting and maintaining a safe rail environment. As such, it furthers FRA's main mission.

**7. Special circumstances.**

All reporting and recordkeeping requirements are within these guidelines.

**8. Compliance with Title 5 Code of Federal Regulations § 1320.8.**

FRA published the required 60-day Notice in the *Federal Register* on August 21, 2019. (See 84 FR 43645.) FRA received no comments in response to this Notice.

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

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

**10. Assurance of confidentiality.**

The SSP rule protects certain information a railroad compiles or collects after August 14, 2017, solely for SSP purposes from discovery, admission into evidence, or use for any other purpose in a Federal or State court proceeding for damages involving personal injury, wrongful death, or property damage. (See 49 CFR 270.105(a), *Protected information*.) The rule also specifies certain categories of information that are not protected, including information a railroad has compiled or collected on or before August 14, 2017, and that the railroad continues to compile and collect, even if the railroad uses that information to plan, implement, or evaluate its SSP. (See 49 CFR 270.105(b), *Non-protected information*.) The final rule contains significant discussion of the protections and exceptions. (See 77 FR 55373, 55378-79, 55390-92, and 55406, September 7, 2012; 81 FR 53851, 53855-56, 53858-60, 53878-82, and 53900, August 12, 2016.)

FRA also has established two voluntary, independent programs that exemplify the philosophy of risk reduction: the Confidential Close Call Reporting System (C3RS) and the Clear Signal for Action (CSA) program.<sup>3</sup> FRA has developed these programs in the belief that, in addition to processing and technology innovations, solutions based on human factors can make significant contributions to improving safety in the railroad industry.

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<sup>3</sup> The history and structure of the C3RS and CSA program were discussed extensively in the SSP NPRM. 77 FR 55375-76.

The C3RS and CSA program embody many of the concepts and principles found in an SSP: proactive identification of hazards and risks, analysis of those hazards and risks, and implementation of appropriate action to eliminate or mitigate the hazards and risks. While FRA does not require any railroad to implement a C3RS or CSA program as part of its SSP, FRA does believe that these types of programs would prove useful in the development of an SSP, and it encourages railroads to include such programs as part of their SSPs.

**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 contained in this information collection.

**12. Estimate of burden hours for information collected.**

Based on the latest FRA data, the respondent universe affected by this rule is estimated at 33 commuter and intercity passenger railroads.

CFR Section/Subject	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours	Total Annual Dollar Cost Equivalent	Wage Rate <sup>4</sup>
270.103, <i>System safety program plan</i> – Comprehensive written SSP Plan that meets all of this section’s requirements	33 railroads	9 plans	40 hours	360 hours	\$32,976	\$76 (60 percent) and \$115 (40 percent)
– Records of system safety training for employees/contractors/others	33 railroads	495 records	15 seconds	2 hours	\$152	\$76
– (q)(1) Performance of risk-based hazard analyses and furnishing of railroad results of risk-based hazard analyses upon request of FRA/participating Part 212 States	33 railroads	33 analyses results	20 hours	660 hours	\$50,160	\$76
– (q)(2) Identification and implementation of risk-mitigation methods and furnishing of descriptions of railroad’s specific risk-mitigation methods that address hazards upon request of FRA/participating Part 212 States	33 railroads	33 mitigation methods descriptions	10 hours	330 hours	\$25,080	\$76

<sup>4</sup> FRA derived the wage rates from the Surface Transportation Board Website for 2018 wage data, and it uses the average annual wages for each employee group as follows: For Executives, Officials, and Staff Assistants, this cost amounts to \$115 per hour. For Professional and Administrative staff, this cost amounts to \$76 per hour.

– (r)(1) Performance of technology analysis and furnishing of results of a railroad’s technology analysis upon request of FRA/participating Part 212 States	33 railroads	33 results of technology analysis	10 hours	330 hours	\$25,080	\$76
270.107(a), <i>Consultation requirements</i> – railroad consultation with its directly affected employees on SSP Plan – (a)(3)(ii) Railroad notification to directly affected employees of preliminary meeting at least 60 days before being held – (b) Railroad consultation statements that includes service list with name and contact information for labor organization chairpersons and non-union employees who participated in process – Copies of consultation statements by railroad to service list individuals	33 railroads	11 consults (w/labor union reps.)	1 hour	11 hours	\$836	\$76
	33 railroads	11 notices	30 minutes	6 hours	\$456	\$76
	33 railroads	11 statements	1 hour	11 hours	\$836	\$76
	33 railroads	11 copies	1 minute	.18 hour	\$14	\$76
270.201, <i>Filing and approval</i> – SSP Plans found deficient by FRA and requiring amendment – Review of amended SSP Plans found deficient and requiring further amendment – Reopened review of initial SSP Plan approval for cause stated	33 railroads	4 amended plans	30 hours	120 hours	\$9,120	\$76
	33 railroads	1 further amended plan	20 hours	20 hours	\$1,520	\$76
	33 railroads	1 amended plan	30 hours	30 hours	\$2,280	\$76
270.203, <i>Retention of system safety program plan</i> – Retained copies of SSP Plans	33 railroads	15 copies	10 minutes	3 hours	\$228	\$76
270.303, <i>Internal system safety program assessment</i> – Annual internal SSP assessments/reports conducted by railroads. – Certification of results of railroad internal assessment by chief safety official	33 railroads	16 evaluations/reports	2 hours	32 hours	\$2,432	\$76
	33 railroads	33 certification statements	2 hours	66 hours	\$7,590	\$115
270.305, <i>External safety audit</i> – Railroad submission of improvement plans in response to results of FRA audit – Improvement plans found deficient by FRA and requiring amendment – Railroad status report to FRA of implementation of improvements set forth in the improvement plan	33 railroads	6 plans	12 hours	72 hours	\$8,280	\$115
	33 railroads	2 amended plans	10 hours	20 hours	\$1,520	\$76
	33 railroads	2 reports	4 hours	8 hours	\$608	\$76
Appendix B – Additional	33 railroads	4 documents	15	1 hour	\$76	\$76

documents provided to FRA upon request			minutes			
Appendix C – Written requests by railroads to file required submissions electronically	33 railroads	7 written requests	15 minutes	2 hours	\$152	\$76
Totals	33 railroads	738 responses	N/A	2,084 hours	\$169,396	N/A

**13. Estimate of total annual costs to respondents.**

There are no other costs to respondents other than the ones reflected in the response to question 12 above.

**14. Estimate of cost to Federal Government.**

To calculate the government administrative cost, the 2019 Office of Personnel Management wage rates were used. The average wage (of step 1 through step 10) was used as a midpoint. Wages were considered at the burdened wage rate by multiplying the actual wage rate by an overhead cost of 75 percent. The follow table shows the estimated average annual cost to the Federal government to review all the required documents and conduct the external audits (starting at year 3) associated with this rule.

Pay Grade	Annual-Average Wage Rate	Percent Share of Time Use (Wages * 0.50, 0.75)	Total Wages (Wages * 1.75 of Overhead Cost)
<b>Year 1</b>			
GS-13	\$114,046	Half time	\$99,790
GS-14	\$134,772	Half time	\$117,925
GS-14	\$134,772	Half time	\$176,888
Total of Year 1			\$394,603
<b>Year 2</b>			
GS-13	\$114,046	Half time	\$99,790
GS-14	\$134,772	Half time	\$117,925
GS-14	\$134,772	Half time	\$176,888
Total of Year 2			\$394,603
<b>Year 3</b>			
GS-13	\$114,046	Three-quarter time	\$149,685
GS-14	\$134,772	Three-quarter time	\$176,888
GS-14	\$134,772	Three-quarter time	\$176,888
Total of Year 3			\$503,461
<b>Estimated Average Annual Cost of Year 1 to Year 3</b>			<b>\$430,889</b>

**15. Explanation of program changes and adjustments.**

Currently, the OMB inventory for this collection of information shows a total burden of 9,365 hours and 1,240 responses, while this updated submission reflects a total burden of 2,084 hours and 738 responses. Overall, the adjustments decreased the burden by 7,281 hours and by 502 responses.

FRA provided a thorough review of this package and determined many of our initial figures were based on rough estimates. Thus, our latest review has refined our estimates to be more accurate.

The table for adjustments below provides specific information on the review of any of the estimates that have changed.

**Table for Adjustments**

CFR Section/Subject	Total Annual Responses			Total Annual Burden Hours		
	Previous Submission	Current Submission	Difference	Previous Submission	Current Submission	Difference
270.103, System safety program plan – Comprehensive written SSP Plan that meets all of this section’s requirements. <i>Reduction due to the estimated number of submission expected to be received.</i>	30 plans	9 plans	-21 plans	1,200 hours	360 hours	-840 hours
– System safety training by railroad of employees/contractors/others. <i>Reduction due to review which determined that this training does not to fall under PRA.</i>	450 trained individuals	0	-450 trained individuals	900 hours	0	-900 hours
– Records of system safety training for employees/contractors/others. <i>Reduction due to review of estimated time to complete submission.</i>	450 records	495 records	45 records	15 hours	2 hours	-13 hours
– (q)(1) Performance of risk-based hazard analyses and furnishing of railroad results of risk-based hazard analyses upon request of	10 analyses results	33 analyses results	23 analyses results	200 hours	660 hours	460 hours

FRA/participating Part 212 States. <i>An increase due to the estimated number of submission expected to be received.</i>						
– (q)(2) Identification and implementation of risk-mitigation methods and furnishing of descriptions of railroad’s specific risk-mitigation methods that address hazards upon request of FRA/participating Part 212 States. <i>An increase due to the estimated number of submission expected to be received.</i>	10 mitigation methods descriptions	33 mitigation methods descriptions	23 mitigation methods descriptions	100 hours	330 hours	230 hours
– (r)(1) Performance of technology analysis and furnishing of results of a railroad’s technology analysis upon request of FRA/participating Part 212 States. <i>Reduction due to review of estimated time to complete submission.</i>	30 results of technology analysis	33 results of technology analysis	3 results of technology analysis	1,200 hours	330 hours	-870 hours
270.107(a), Consultation requirements – Railroad consultation with its directly affected employees on SSP Plan. <i>Reduction due to review of estimated number of submission expected to be received and estimated time to complete submission.</i>	30 consults (w/labor union reps.)	11 consults (w/labor union reps.)	-19 consults (w/labor union reps.)	1,200 hours	11 hours	-1,189 hours
– (a)(3)(ii) Railroad notification to directly affected employees of preliminary meeting at least 60 days before being held. <i>Reduction due to review of estimated number of submission expected to be received and estimated time to complete submission.</i>	30 notices	11 notices	-19 notices	240 hours	6 hours	-234 hours
– (b) Railroad consultation statements that include	30 statements	11 statements	-19 statements	2,244 hours	11 hours	-2,233 hours

service list with name and contact information for labor organization chairpersons and non-union employees who participated in process. <i>Reduction due to review of estimated number of submission expected to be received and estimated time to complete submission.</i>						
– Copies of consultation statements by railroad to service list individuals. <i>Reduction due to the estimated number of submission expected to be received.</i>	30 copies	11 copies	-19 copies	1 hour	0.82 hour	-1 hours
270.201, Filing and approval – SSP Plans found deficient by FRA and requiring amendment. <i>Reduction due to review of estimated time to complete submission</i>	4 amended plans	4 amended plans	0 amended plans	160 hours	120 hours	-40 hours
– Review of amended SSP Plans found deficient and requiring further amendment. <i>Reduction due to review of estimated time to complete submission</i>	1 further amended plan	1 further amended plan	0 further amended plan	40 hours	20 hours	-20 hours
– Reopened review of initial SSPP approval for cause stated. <i>Reduction due to review of estimated number of submission expected to be received and estimated time to complete submission.</i>	2 amended plans	1 amended plans	-1 amended plans	80 hours	30 hours	-50 hours
270.203, Retention of system safety program plan – Retained copies of SSP Plans. <i>Reduction due to review of estimated number of submission expected to be received and estimated time to complete submission.</i>	37 copies	15 copies	-22 copies	6 hours	3 hours	-3 hours
270.303, Internal system safety program assessment – Annual internal SSP assessments/reports	30 evaluations/reports	16 evaluations/reports	-14 evaluations/reports	1,200 hours	32 hours	-1,168 hours

conducted by railroads. <i>Reduction due to review of estimated number of submission expected to be received and estimated time to complete submission.</i>						
– Certification of results of railroad internal assessment by chief safety official. <i>Reduction due to review of estimated time to complete submission.</i>	30 certification statements	33 certification statements	3 certification statements	240 hours	66 hours	-174 hours
270.305, External safety audit – Railroad submission of improvement plans in response to results of FRA audit. <i>Reduction due to review of estimated time to complete submission.</i>	6 plans	6 plans	0 plans	240 hours	72 hours	-168 hours
-- Improvement plans found deficient by FRA and requiring amendment. <i>Reduction due to review of estimated time to complete submission.</i>	2 amended plans	2 amended plans	0 amended plans	48 hours	20 hours	-28 hours
– Railroad status report to FRA of implementation of improvements set forth in the improvement plan. <i>No adjustments.</i>	2 reports	2 reports	0 reports	8 hours	8 hours	0 hours
Appendix B – Additional documents provided to FRA upon request. <i>Reduction due to the estimated number of submission expected to be received.</i>	2 documents	4 documents	2 documents	1 hour	1 hour	0 hours
– Notifications/good faith consultation with non-represented employees by railroads. <i>This requirement is covered under 270.107</i>	2 notices/consults	0	-2 notices/consults	16 hours	0	-16 hours
– Meeting with non-represented employees within 180 days of final rule effective date about consultation process. <i>This requirement is covered under 270.107</i>	2 meetings	0	-2 meetings	16 hours	0	-16 hours



Appendix C – Written requests by railroads to file required submissions electronically. <i>Reduction due to the estimated number of submission expected to be received.</i>	20 written requests	7 written requests	-13 written requests	10 hours	2 hours	-8 hours
Totals	1,240 responses	738 responses	-502 responses	9,365 hours	2,084 hours	-7,281 hours

**16. Publication of results of data collection.**

There are no publications 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 Strategic Goals

This information collection supports the top U.S. Department of Transportation (DOT) strategic goal, namely transportation safety. Without the proposed collection of information, FRA could not be assured that commuter and intercity passenger railroads establish and implement an SSP to improve their operations. Without SSPs, there would not be concerted efforts by railroads to proactively identify and mitigate or eliminate hazards throughout their systems at an early stage. Hazards would remain unnoticed and unaddressed and would likely increase the risk that they present to both railroad employees and the general public. A greater number of rail accidents and incidents and corresponding increases in injuries, fatalities, and property damage would likely result without the risk reduction efforts associated with SSPs and SSP Plans.

Without the required railroad consultation statement, FRA would have no way to know whether commuter and intercity passenger railroads informed their employees of their SSP Plans. FRA would be unable to determine if railroads used good faith and made best efforts to reach an agreement with their directly affected employees on the contents of their SSP Plans. Employee input to the content of the SSP Plan is essential to have the best, most comprehensive SSP Plan. Without the required consultation statement, FRA would not know how many meetings the railroad held with its directly affected employees, what materials the railroad provided to its directly affected employees

regarding the draft SSP Plan, or how input from directly affected employees was received and handled during the consultation process. Without the railroad consultation statements and corresponding employee statements, FRA would be working with incomplete and inadequate information regarding its approval decision of an SSP Plan.

Without the required risk-based hazard management program and risk-based hazard analysis provided in the SSP Plan, FRA would not be able to determine whether railroads have a structured program and set methodology to address the various hazards they discover after carefully examining their entire systems for potential dangers. These components of the SSP Plan provide important information that FRA will use in determining whether each railroad's articulated safety goals are realistic and achievable.

Without the required internal annual assessment of their approved SSP Plans, railroads would not have an accurate and informed view of the progress they are making in implementing their SSPs. This annual assessment will provide a yardstick at any given point in time for railroads to see in which areas they are fully implementing their SSPs and in compliance with the various elements of their SSP Plans, as well as in achieving their stated system safety goals. Without this internal assessment of their approved SSP Plans, safety gains might be temporary and incomplete. Without extensive systematic and long-lasting safety gains through the complete implementation of each railroad's SSP Plan, increased numbers of accidents and incidents and corresponding injuries, fatalities, and property damage are bound to occur.

Finally, without the external audits conducted by agency staff of each commuter and intercity passenger railroad's SSP, FRA would be unable to determine the extent of each railroad's compliance with the proposed rule's requirements and would be unable to convey to each railroad any areas in which it is not complying with its SSP, areas that need to be addressed by the SSP but are not, or other areas in which FRA believes the railroad and its SSP Plan are not in compliance with this Part. Without these audits, rail safety will suffer from potential unexposed and unaddressed risks, and more rail accidents/incidents will likely ensue.