

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****[Docket No. FRA-2019-0004-N-18]****Proposed Agency Information Collection Activities; Comment Request**

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, this notice announces that FRA is forwarding the Information Collection Requests (ICRs) abstracted below to the Office of Management and Budget (OMB) for review and comment. The ICRs describe the information collections and their expected burden. On August 21, 2019, FRA published a notice providing a 60-day period for public comment on the ICRs.

DATES: Interested persons are invited to submit comments on or before November 29, 2019.

ADDRESSES: Submit written comments on the ICRs to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: oir_a_submissions@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Ms. Hodan Wells, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: (202) 493-0440) or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: (202) 493-6132).

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501-3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. See 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On August 21, 2019, FRA published a 60-day notice in the **Federal Register** soliciting comment on the ICRs for which it is now seeking OMB approval. See 84 FR 43645. FRA received no comments in response to this notice.

Before OMB decides whether to approve these proposed collections of information, it must provide 30-days' notice for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)-(c); 5 CFR 1320.12(d); see also 60 FR 44978, 44983, Aug. 29, 1995. OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICRs regarding: (1) Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summaries below describe the ICRs that FRA will submit for OMB clearance as the PRA requires:

Title: Filing of Dedicated Cars.

OMB Control Number: 2130-0502.

Abstract: Title 49 CFR part 215 contains freight car safety standards, including conditions for freight cars in dedicated service. "Dedicated service" means the exclusive assignment of railroad cars to the transportation of freight between specified points under the conditions listed in 49 CFR 215.5(d), including stenciling, or otherwise displaying, in clear legible letters on each side of the car body, the words "Dedicated Service." The railroad must notify FRA in writing that the cars are to be operated in dedicated service.

Type of Request: Extension without change of a currently approved collection.

Affected Public: Businesses.

Form(s): N/A.

Respondent Universe: 746 railroads.

Frequency of Submission: On occasion/monthly.

Total Estimated Annual Responses: 4.

Total Estimated Annual Burden: 4 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$304.

Title: Rear End Marking Devices.

OMB Control Number: 2130-0523.

Abstract: Title 49 CFR part 221 contains requirements for rear end marking devices. Railroads must give FRA a detailed description of the type of marking devices used for any locomotive operating singly or for cars or locomotives operating at the end of a train (trailing end) to ensure they meet minimum standards for visibility and display. Specifically, part 221 requires railroads to furnish a certification that each device has been tested in accordance with current "Guidelines for Testing of Rear End Marking Devices." Additionally, part 221 requires railroads to furnish detailed test records, which include the names of testing organizations, description of tests, number of samples tested, and the test results, to demonstrate compliance with the performance standard.

Type of Request: Extension with change (revised estimates) of a currently approved collection.

Affected Public: Businesses (railroads).

Form(s): N/A.

Respondent Universe: 746 railroads + 24 manufacturers.

Frequency of Submission: On occasion.

Total Estimated Annual Responses: 2.

*Total Estimated Annual Burden:*¹ 2 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$152.

Title: System Safety Program.

OMB Control Number: 2130-0599.

Abstract: FRA uses the collection of information to ensure that commuter and intercity passenger railroads establish and implement System Safety Programs (SSPs) to improve the safety of their operations and to ensure compliance with the rule. Each railroad will use its SSP/SSP Plan to proactively identify and mitigate or eliminate hazards and the resulting risk on its system at an early stage to reduce the number of railroad accidents, incidents, and associated injuries, fatalities, and property damage. A railroad has the flexibility to tailor an SSP to its specific operations. An SSP will be implemented when FRA approves a railroad's submitted SSP Plan. Under this information collection, FRA will audit a railroad's compliance with its SSP Plan. FRA will use the information to ensure and enforce compliance with this regulation.

¹ Total estimated annual burden includes recordkeeping.

Type of Request: Extension with change (revised estimates) of a currently approved collection.

Affected Public: Businesses (railroads).

Form(s): N/A.

Respondent Universe: 33 railroads.

Frequency of Submission: On occasion/monthly.

Total Estimated Annual Responses: 738.

Total Estimated Annual Burden: 2,084 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$169,396.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Brett A. Jortland,

Acting Chief Counsel.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2000–7257, Notice No. 89]

Railroad Safety Advisory Committee; Notice of Meeting

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of public meeting.

SUMMARY: FRA announces the fifty-ninth meeting of the Railroad Safety Advisory Committee (RSAC), a Federal Advisory Committee that develops railroad safety regulations through a consensus process.

DATES: The RSAC meeting is scheduled for Tuesday, November 26, 2019. The meeting will commence at 9:30 a.m., and will adjourn by 4:30 p.m. Requests to submit written materials to be reviewed during the meeting must be received no later than November 16, 2019. Requests for accommodations because of a disability must be received by November 16, 2019.

ADDRESSES: The RSAC meeting will be held at the National Association of Home Builders, located at 1201 15th Street NW, Washington, DC 20005. A final agenda will be posted on the RSAC internet website at <https://rsac.fra.dot.gov/> at least one week in advance of the meeting. Please see the RSAC website for additional

information on the committee at <http://rsac.fra.dot.gov/>.

FOR FURTHER INFORMATION CONTACT:

Kenton Kilgore, RSAC Designated Federal Officer/RSAC Coordinator, FRA Office of Railroad Safety, (202) 493–6286; or Larry Woolverton, Executive Officer, FRA Office of Railroad Safety, (202) 493–6212.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), FRA is giving notice of a meeting of the RSAC. The RSAC is composed of 40 voting representatives from 29 member organizations, representing various rail industry perspectives. The diversity of the Committee ensures the requisite range of views and expertise necessary to discharge its responsibilities.

Public Participation: The meeting is open to the public on a first-come, first-served basis, and is accessible to individuals with disabilities. Any member of the public may present a written statement to the committee at any time. The U.S. Department of Transportation and the Federal Railroad Administration are committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, please contact either of the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section no later than November 16, 2019.

Agenda Summary: The RSAC meeting topics will include opening remarks from the FRA Administrator, as well as an update on the railroad industry's implementation of positive train control (PTC). FRA will present to the Committee reports from the Working Groups for: Tourist and Historic Railroads; Track Standards; Passenger Safety; Part 225 Accident Reporting; Train Dispatcher Certification; and Signal Employees Certification. This agenda is subject to change.

Issued in Washington, DC.

Ronald L. Batory,

Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2019–0080]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on September 18, 2019, the

American Short Line and Regional Railroad Association (ASLRRRA), on behalf of its members, petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal hours of service laws contained at 49 U.S.C. 21103(a)(4)(A), which, in part, require a train employee to receive 48 hours off duty after initiating an on-duty period for six consecutive days. FRA assigned the petition Docket Number FRA–2019–0080.

Specifically, ASLRRRA seeks a comprehensive waiver of relief from (1) the statutory rest requirements contained in 49 U.S.C. 21103(a)(4)(A); and (2) approval of a pilot project to demonstrate the safety of adopting fatigue mitigation plans on Class II and Class III railroads in lieu of strict compliance with the requirements of these statutory provisions.

ASLRRRA's existing waiver of 49 U.S.C. 21103(a)(4)(A), granted under the terms and conditions contained in FRA's initial March 5, 2010 decision letter, and extended by FRA's decision letter dated February 27, 2012, permits participating railroads to allow train employees to work six consecutive days followed by 24 hours of rest before returning to work. *See* Docket Number FRA–2009–0078. One condition of the waiver excludes work occurring between the hours of midnight and six a.m. ASLRRRA requests to expand the waiver to include work between the hours of midnight and six a.m. for those railroads identified in the petition. It also seeks approval of a pilot project to validate preliminary data results suggesting that employing fatigue mitigating techniques would eliminate any adverse consequences from extending ASLRRRA's existing waiver to those hours. ASLRRRA states that employee participation in the waiver will be voluntary and all employees covered by the waiver will be provided information about the waiver and pilot.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the U.S. Department of Transportation's Docket Operations Facility, 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a