

1 FEDERAL RAILROAD ADMINISTRATION
Alleged Violation Reporting Form
Form FRA F 6180.151
SUPPORTING JUSTIFICATION—Part A
OMB Control No. 2130-0590

Summary of Submission

- This submission is a request for a three-year extension with a change of the previous approval granted by the Office of Management and Budget (OMB) on **January 17, 2017**, which now expires on **January 31, 2020**.
- The Federal Railroad Administration (FRA) published the required 60-day Notice in the *Federal Register* on **October 2, 2019**. See 84 FR 52588. FRA received one comment in response to this Notice.
- The total number of burden **hours** requested for this information collection submission is **48 hours**. The total number of burden hours **previously approved** for this information collection was **80 hours**.
- The total number of **responses** requested for this information collection submission is **570**. The total number of responses **previously approved** for this information collection submission was **480**.
- Adjustment(s) decreased the burden by 32 hours and increased responses by 90 responses.
- There are no program changes at this time.
- ****The answer to question number 12 itemizes the hourly burden associated with this form (see page 4).**
- ****The answer to question number 15 itemizes all adjustments associated with this form (see page 5).**

1. Circumstances that make collection of the information necessary

Since its inception, FRA has worked diligently and persistently to develop and implement a comprehensive rail safety program with the goal of reducing rail accidents/incidents and corresponding injuries, fatalities, and property damage as much as possible. To have an effective program, FRA collects, organizes, analyzes, and assesses data provided by railroads. The data collected from railroads are usually submitted in conjunction with agency safety regulations, since this is the best means of maximizing the agency's limited number of inspectors while promoting and maintaining a safe rail environment. FRA also collects data from outside contractors who conduct surveys and studies for the agency to gain a better understanding of specific aspects of rail operations in this country.

The data collected allow FRA to target its limited resources in the most effective way possible and provide the means to both refine and improve already established rail safety programs and to develop new and warranted safety programs. It is with this goal in mind that section 307(b) of The Rail Safety Improvement Act of 2008 came about. That law, Public Law 110-432, was signed by President George W. Bush on October 16, 2008, and mandates FRA to “provide a mechanism for the public to submit written reports of potential violations of Federal railroad safety and hazardous materials transportation laws, regulations, and orders to the Federal Railroad Administration.”

FRA has determined that the collection of information related to the submission of alleged violations is best received by means of this agency form. The form’s structured format allows FRA to track the progress of an alleged violation during the investigation process. This Congressionally mandated form provides the public with a vehicle to report alleged railroad safety and hazardous materials violations to FRA and thereby allows the public to actively participate in FRA’s vital safety mission to regulate and improve railroad safety throughout the United States.

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

This submission is a request for an extension with change to the last approved submission. The information collected by the Alleged Violation Reporting Form is used by FRA and railroads to spot problem areas and take necessary action to prevent potential accidents of the type just cited from occurring. FRA’s limited number of inspectors can only cover small geographic areas and, thus, cannot be everywhere that their presence is needed. Having another resource—active public participation highlighting alleged safety and hazardous materials regulatory violations— allows these inspectors to better focus their investigations and resolve reported problems that might prove harmful to rail safety.

3. Extent of automated information collection

For many years, FRA has strongly endorsed and highly encouraged the use of advanced information technology, wherever possible, to reduce burden on respondents. In particular, FRA has strongly advocated electronic recordkeeping on the part of railroads and, where feasible, electronic reporting. Section 307(b) of the RSIA2008 mandates that FRA provide the alleged violation submission process on the home page of the agency’s Website.

To meet this requirement, FRA has automated the information collection instrument (agency form). Thus, the public submission process to the agency is completely electronic (100 percent of responses).

4. Efforts to identify duplication

This collection of information is mandated by Congress and is, therefore, unique. Presently, no public or private entity collects information relating to violations of Federal rail safety and hazardous materials regulations provided by the public. Similar data are not available from any other source.

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

The information to be collected does not involve small businesses.

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

If FRA were unable to collect this information or were to collect it less frequently, the agency would be unable to fulfill an important Congressional mandate. As noted previously, the collection of information is required by Section 307(b) of the RSIA2008. If FRA did not collect this information by providing a mechanism for members of the public to report alleged violations of Federal rail safety and hazardous materials regulations, it would be non-compliant with Section 307(b).

Further, without this collection of information, FRA would be deprived of a unique and important resource—previously untapped—to monitor rail safety throughout the nation. As noted earlier, FRA’s limited number of inspectors can only cover small geographic areas and, thus, cannot be everywhere that their presence is needed. Having another resource—active public participation highlighting alleged safety and hazardous materials regulatory violations—allows these inspectors to better focus their investigations and resolve reported problems that might prove harmful to rail safety.

7. **Special circumstances**

All information collection requirements are in compliance with this section.

8. **Compliance with 5 CFR 1320.8**

As required by the Paperwork Reduction Act of 1995, FRA published a notice in the Federal Register on **October 2, 2019**, soliciting comment on this particular collection of information. See 84 FR 52588.

FRA received one comment from the Brotherhood of Railroad Signalmen (BRS), the collective bargaining representative for approximately 10,000 signal employees. BRS supports this information collection activity, considering it necessary to FRA’s regulatory duties and public safety responsibilities. BRS urges FRA to continue to collect this information, noting that the information provided from this collection can help guide FRA in solving issues related to highway-rail grade crossing accidents.

9. **Payments or gifts to respondents**

There are no monetary payments provided or gifts made to respondents associated with this proposed collection of information.

10. Assurance of confidentiality

FRA fully complies with the Privacy Act of 1974 and other laws pertaining to privacy and the security of privacy data. Information collected as part of this information collection is used by FRA staff and government contractors to ensure all submissions of alleged violations are responded to in a timely manner and that FRA can gather appropriate details about the alleged violation for its investigation process.

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 proposed collection of information.

12. Estimate of burden hours for information collected

CFR Section	Respondent universe	Total Annual responses	Average time per responses	Total annual burden hours	Total Cost Equivalent ¹
Alleged Violation Reporting Form (Form FRA F 6180.151)	570 individuals	570 forms	5 minutes	48 hours	\$1,296

13. Estimate of total annual costs to respondents

Other than the cost associated in question number 12 above, there will be no additional cost to the respondents of this form.

14. Estimate of Cost to Federal Government

There is no additional cost to the Federal Government in connection with these information collection requirements. Reports of alleged violations are investigated by FRA inspectors as part of their regular enforcement activities.

15. Explanation of program changes and adjustments.

Currently, the OMB inventory for this collection of information shows a total burden of 80 hours and 480 responses, while this updated submission reflects a total burden of 48 hours and 570 responses. Overall, the adjustments decreased by 32 hours and increased

¹ FRA used an hourly rate of \$27 for the value of the public's time to fill out the form. The wage rate data was obtained from the Department of Labor, Bureau of Labor Statistics.

by 90 responses from the last approved submission.

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.

TABLE OF ADJUSTMENTS

Requirement	Responses & Avg. Time (Previous Submission)	Responses & Avg. Time (This Submission)	Burden Hours (Previous Submission)	FRA Burden Hours (This Submission)	Difference (plus/minus)
Form FRA F 6180.151	480 forms 10 minutes	570 forms 5 minutes	80 hours	48 hours	- 32 hours + 90 resp.

16. Publication of results of data collection

The results of this information collection will not be published. The information is collected only for the purpose of investigating alleged violations submitted by the public.

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

FRA is not seeking exemption from displaying the expiration date for OMB approval.

18. Exception to certification statement

No exceptions are requested at this time.

Department of Transportation (DOT) Strategic Goals

This information collection supports the top DOT strategic goal, namely transportation safety. Without this collection of information, FRA would lose a unique opportunity to help reduce the number and severity of railroad accidents/incidents, and corresponding number of injuries and fatalities that occur each year because dangerous rail practices or operations went unnoticed and unreported. By availing itself of this unique and untapped public resource related to the reporting of alleged violations of Federal rail safety and hazardous materials regulations, FRA can better direct and focus its limited inspection/investigation staff to look into potentially serious rail problem areas and take necessary measures to avert accidents/incidents that so often leave communities devastated.

In sum, this collection of information supports both DOT’s top mission and FRA’s mission, which is to promote and enhance rail safety throughout the United States.