

FEDERAL RAILROAD ADMINISTRATION
Bridge Worker Safety Rules
(Title 49 Code of Federal Regulations Part 214)
SUPPORTING JUSTIFICATION—Part A
OMB Control No. 2130-0535

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 7, 2019**. See 84 FR 53556. FRA received no comments in response to this Notice.
- The total number of burden hours requested for this information collection submission is **.25 hours (15 minutes)**. The total number of burden hours **previously approved** for this information collection was one **(1) hour**.
- The total number of **responses** requested for this information collection submission is **three (3)**. The total number of responses **previously approved** for this information collection submission was **six (6)**.
- Adjustment(s) decreased the burden by .75 hours (45 minutes) and responses by 3.
- There are no program changes at this time.
- ****The answer to question number 12 itemizes the hourly burden associated with each requirement of this rule (see page 4).**
- ****The answer to question number 15 itemizes all adjustments associated with this rule (see page 5).**

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

Background

The collection is mandated in Title 49 Code of Federal Regulations, Part 214 - Railroad Workplace Safety. (See also 49 U.S.C 20103 and 49 CFR 1.49).

§ 214.105 Fall protection systems standards and practices.

(c) Safety net systems. Use of safety net systems shall conform to the following

standards and practices:

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(4) Except as provided in this section, safety nets and net installations shall be drop-tested at the jobsite after initial installation and before being used as a fall protection system, whenever relocated, after major repair, and at six-month intervals if left in one place. The drop-test shall consist of a 400-pound bag of sand 30 inches, plus or minus two inches, in diameter dropped into the net from the highest (but not less than 3 ½ feet) working surface on which employees are to be protected.

(i) When the railroad or railroad contractor demonstrates that a drop-test is not feasible and, as a result, the test is not performed, the railroad or railroad contractor, or designated competent person, shall certify that the net and its installation are in compliance with the provisions of this section by preparing a certification record prior to the use of the net.

(ii) The certification shall include an identification of the net, the date it was determined that the net was in compliance with this section, and the signature of the person making this determination. Such person's signature shall certify that the net and its installation are in compliance with this section. The most recent certification for each net installation shall be available at the jobsite where the subject net is located.

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 is used by railroad personnel when a competent person determines that a safety net used for fall protection at a work site on a railroad bridge cannot be tested by using the prescribed drop test. Drop-tests normally occur after safety nets are initially installed and before being used as a fall protection system, whenever relocated, after major repair, and at six-month intervals if left in one place. When the determination is made that a safety net used for fall protection cannot be drop-tested, it and its basis are recorded on a single sheet of plain paper and retained at the work site for the period during which the safety net is in use. When the net is removed or replaced, the record is no longer required, and may be destroyed.

FRA reviews the record at the work site when an inspection is conducted to determine whether the workplace safety provisions in effect meet Federal regulatory requirements. The agency uses the information to determine whether a safety net upon which no drop test has been made is safe for continued use, and whether the employer is in compliance with the applicable Federal safety regulations.

3. Extent of automated information collection

FRA highly encourages and strongly endorses the use of advanced information technology, wherever possible, to reduce burden. The information is documented and retained by respondents. It is not collected by the Federal Government. The regulation prescribes the simplest manner possible for the documentation and retention of the information, i.e., a simple written statement on no prescribed form retained at the place where it was prepared.

4. Efforts to identify duplication.

The information, to our knowledge, is not duplicated anywhere. Similar data are not available from any other source.

5. Efforts to minimize the burden on small businesses

The entire information collection burden is already at the absolute minimum. Consequently, the burden on small businesses is at the absolute minimum now and cannot possibly be made any smaller unless FRA were to eliminate this section of Part 214.

6. Impact of less frequent collection of information.

If the information collection were not conducted or were conducted less frequently, FRA would be hampered in its enforcement of Federal regulations vital to the preservation of railroad worker safety, and human life. Specifically, without the required certification records, railroads and railroad contractors might choose not to take necessary precautions around railroad-bridge work sites. When it is not feasible to perform drop-tests, railroads and railroad contractors might choose and install nets that are not in compliance with Federal regulations. The use of substandard nets or substandard installation of nets could lead to a greater number of injuries and deaths for railroad employees working at these locations. The required certification records promote safety by providing FRA with a means of ensuring compliance with Federal safety regulations regarding fall protection for railroad employees. The most recent certification for each net must be available at the jobsite where the subject net is located. This serves as a necessary check on railroads and aids FRA in its efforts toward the elimination of railroad-related injuries and deaths.

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 7, 2019**, soliciting comment on this particular information collection. *See* 84 FR 53556. 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

Information collected is not of a confidential nature, and FRA pledges no confidentiality.

11. Justification for any questions of a sensitive nature

There are no questions or information of a sensitive nature involved in this information collection.

12. Estimate of burden hours for information collected.

The respondent universe consists of approximately 746 railroads that have an estimated 100,000 railroad bridges. Written certification that safety nets are in compliance with safety net standards and practices must be made when it is not possible to perform a drop-test, but at the same intervals when drop-tests would occur. Drop-tests would occur after safety nets are initially installed and before being used as a fall protection system, whenever relocated, after major repair, and at six-month intervals if left in one place.

CFR Section	Respondent universe	Total Annual responses	Average time per responses	Total annual burden hours	Total cost equivalent	Hourly wage rate ¹
214.105(c)(4)— Fall production systems standards and practices— Safety net systems certification records	746 railroads	3 written certification records	5 minutes	.25 hours (15 minutes) ²	\$19	\$76

¹ The hourly wage rate is obtained from the Surface Transportation Board’s Full Year Wage A&B data series using the appropriate employee group hourly wage rate (plus the 75-percent overhead).

² For reporting requirement under ROCIS, the hours reported has been rounded up from .25 hours to 1 hour.

13. Estimate of total annual costs to respondents

There are no additional costs to respondents outside of labor costs.

14. Estimate of Cost to Federal Government

FRA estimates that approximately one (1) employee (at the GS-14 level) is spent reviewing the safety net systems certification records. 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 (or times 1.75). Multiplying 1 times \$64.58 per hour times 1.75 (75 percent for overhead) equals \$113 in annualized costs to the government.

15. Explanation of program changes and adjustments

Currently, the OMB inventory for this collection of information shows a total burden of one (1) hour and six (6) responses, while this updated submission reflects a total burden of .25 hours (15 minutes) and three (3) responses. Overall, the adjustments decreased by .75 hours (45 minutes) and the responses by three (3) from the last approved submission.

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

There are no program changes and no cost to respondents.

16. Publication of results of data collection

There are no plans for publication 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 (DOT) Strategic Goals

This information collection supports the top DOT strategic goal, namely transportation

safety. Without this collection of information, railroad workers might be exposed to considerably more dangerous conditions at job sites. Specifically, without the required certification records, railroads and railroad contractors might choose not to take necessary precautions around railroad-bridge work sites. When it is not feasible to perform drop-tests, railroads and railroad contractors might choose and install nets that are not in compliance with Federal regulations. The use of substandard nets or substandard installation of nets could lead to a greater number of injuries and deaths for railroad employees working at these locations. The required certification records promote safety by providing FRA with a means of ensuring compliance with Federal safety regulations regarding fall protection for railroad employees. The most recent certification for each net must be available at the jobsite where the subject net is located. This serves as a necessary check on railroads and aids FRA in its efforts toward the elimination of railroad-related injuries and deaths.

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.