

FEDERAL RAILROAD ADMINISTRATION
Remotely Controlled Railroad Switch Operations
(Title 49 Code of Federal Regulations Part 218)
SUPPORTING JUSTIFICATION—Part A
OMB Control No. 2130-0516

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 **24,183 hours**. The total number of burden hours **previously approved** for this information collection was **30,420 hours**.
- The total number of **responses** requested for this information collection submission is **1,934,650**. The total number of responses **previously approved** for this information collection submission was **1,825,150**.
- Adjustment(s) decreased the burden by 6,237 hours and increased responses by 109,500 responses.
- 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 pages 5-6).**
- ****The answer to question number 15 itemizes all adjustments associated with this rule (see page 7).**

1. Circumstances that make collection of the information necessary

Background

BLUE SIGNAL PROTECTION OF WORKMEN

Under the Federal Railroad Safety Act of 1970, “the Secretary of Transportation was

given authority to prescribe, as necessary, appropriate rules, regulations, orders, and standards for all areas of railroad safety.” On January 15, 1974, FRA issued an advanced notice of proposed safety regulations (FR Vol. 39, No. 10) that would require railroads to take certain protective measures to assure the safety of railroad employees engaged in the inspection, repair, and servicing of trains, locomotives, and other rolling equipment. Most railroads had issued rules corresponding to established Association of American Railroads' (AAR) Standard Code of Operating Rules. However, application, interpretation, and observance of these rules differed greatly from railroad to railroad, and, in many cases, from location to location. This situation resulted in confusion and uncertainty as to the procedures to be followed in a given situation. Moreover, the railroads' failure to strictly enforce these protective rules had contributed to a number of serious injuries and fatalities to railroad employees working under or about rolling equipment. The purpose of the advanced notice was to solicit public participation and comment on the nature of the rules to be developed by FRA to protect employees who must work on, under, and between locomotives and cars while performing inspection, repair, and servicing of equipment. Interested persons commented at a public hearing held on September 5, 1975. On March 15, 1976, after considering all the comments, FRA decided to adopt the proposed regulation and published the final rule (FR Vol 41, No. 51).

PROTECTION OF OCCUPIED CAMP CARS

Under current industry practice, sizeable groups of workers are organized in "production gangs" to improve the speed, quality, and efficiency with which large scale rail maintenance can be accomplished. Production gangs typically have seasonal work that must be accomplished while weather conditions permit. Railroads need to house these workers in reasonable proximity to the work site. In many areas of the country, no feasible lodging alternatives exist, and railroads have converted on-track vehicles to provide housing or sleeping quarters for the workers. The units range from modular homes mounted on flat cars to converted passenger and freight cars. These are called camp cars, outfit cars, and bunk cars. For the purposes of this document, we will refer to vehicles as "camp cars."

Camp cars are generally parked in yards. When space allows, they are placed on tracks to which they have exclusive access. However, in many cases, camp cars are located on tracks where switching is performed or on tracks to which other railroad equipment requires access. When camp cars share a track or siding with other equipment, there is the risk that the cars will be struck by rolling stock and that the occupants will be injured or killed.

In response to a statutory mandate, Section 19(c) of the Rail Safety Improvement Act (RSIA) of 1988, FRA amended its operating practices regulations (49 CFR 218) to require that the same type of blue signal protection now provided to workers on rolling

stock be provided to maintenance-of-way, signal, and bridge and building employees who occupy camp cars.

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 railroads to provide protection for work crews while they are performing necessary maintenance and repair tasks on a particular segment or segments of track. The operator of the remotely controlled switch cannot remove the locking device unless they have been informed by the person in charge of the workers that it is safe to do so. The written notification is designed to complement the requirements for the handling of remotely-controlled switches by heightening attention to safety requirements. The written notification received by the operator serves as a record of protection provided under blue signal protection of workers. This notification also serves as a record of protection provided for camp cars that are placed on a particular track or segment of track. Railroads' supervisory personnel use the information to verify that operators are complying with their operating rules and procedures, as well as Federal regulations, and to confirm that track work crews are being provided adequate protection.

Additionally, since operators are required to maintain a written record of each notification for 15 days, FRA inspectors – in the course of their normal duties – are able to use this record to ensure that railroads are complying with the requirements of this regulation. In the event of an accident or incident the written record provides FRA and other investigators an invaluable resource concerning the level and type of protection provided on the relevant track or segment of track on the specific date in question.

3. Extent of automated information collection

FRA highly encourages and strongly endorses the use of advanced information technology, wherever possible, to reduce burden on respondents. This collection of information contains only two requirements, and the amount and type of information required does not necessitate elaborate information processing. For the notification record required under §218.77, FRA allows railroads the option to keep a written record or an electronic record. FRA estimates that 99 percent of responses are kept electronically.

4. Efforts to identify duplication

This information is unique and is not duplicated elsewhere.

Similar data are not available from any other source.

5. Efforts to minimize the burden on small businesses

The number of railroads affected by this collection of information is a small fraction of the total number of small railroads in operation today. Although the respondent burden varies with the complexity of rail operations, mostly larger railroads will be impacted. Small railroads with limited operations would have no recordkeeping burden.

6. Impact of less frequent collection of information

If this information were not collected or were collected less frequently, rail safety in the United States would be seriously jeopardized. Specifically, without this collection of information, railroad track crews might not be provided necessary protection while performing their jobs or while occupying camp cars. Railroad workers are vulnerable to being struck by moving cars as they inspect or service equipment on a particular track or as they rest in camp cars. Production of written records of notification enhances attention to safety requirements by minimizing mental lapses by personnel handling several operations simultaneously. FRA believes that there are no circumstances under which the operator should provide or remove protection using memory as the sole safeguard against accidental removal of protection. Rather, FRA believes a tangible means of assuring that all the necessary steps have been completed and that operators have fulfilled their responsibilities to line the track against movement and apply an effective locking device will best protect track work crews. Without this collection of information, there would likely be a greater number of injuries and fatalities to railroad workers as they perform their normal maintenance and repair duties and as they rest in camp cars.

Without this collection of information (i.e., the written notification records), FRA and other investigators would be deprived of an invaluable resource concerning the level and type of protection provided on the relevant track or segment of track on a specific date in question when conducting an investigation of an accident/incident in which railroad workers are injured or killed.

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

No payment or gift of any kind is made to respondents.

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

These requirements have nothing to do with sensitive matters such as sexual behavior and attitudes, religious beliefs, and other matters commonly considered private.

12. Estimate of burden hours for information collected

§ 218.30 Remotely Controlled Switches

(a) After the operator of the remotely controlled switches has received the notification required by § 218.27(c), he/she must line each remotely controlled switch against movement to that track and apply an effective locking device to the lever, button, or other device controlling the switch before he/she may inform the employee in charge of the workers that protection has been provided.

(b) The operator may not remove the locking device unless he/she has been informed by the person in charge of the workers that it is safe to do so.

(c) The operator must maintain for 15 days a written record of each notification which contains the following information: (1) The name and craft of the employee in charge who provided the notification; (2) The number or other designation of the track involved; (3) The date and time the operator notified the employee in charge that protection had been provided in accordance with paragraph (a) of this section; and (4) The date and time the operator was informed that the work had been completed, and the name and craft of the employee in charge who provided this information.

Respondent Universe:	53 railroads
Burden time per response:	45 seconds
Frequency of Response:	On Occasion (daily)
Annual number of Responses:	1,934,650 notifications (53 railroads x 100 responses per day x 365 days per year)
Annual Burden:	24,181 hours
Annual Cost Equivalent ¹ :	\$1,378,317 (24,181 burden hours x \$57 hourly wage rate)

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).

§ 218.77 Remotely Controlled Switches

(a) After the operator of the remotely controlled switch is notified that a camp car is to be placed on a particular track, he/she shall line such switch against movement to that track and apply an effective locking device applied to the lever, button, or other device controlling the switch before informing the person in charge of the camp car occupants that protection has been provided.

(b) The operator may not remove the locking device until informed by the person in charge of the camp car occupants that protection is no longer required.

(c) The operator must maintain for 15 days a written record of each notification which contains the following information: (1) The name and craft of the employee in charge who provided the notification; (2) The number or other designation of the track involved; (3) The date and time the operator notified the employee in charge that protection had been provided in accordance with paragraph (a) of this section; and (4) The date and time the operator was informed that the work had been completed, and the name and craft of the employee in charge who provided this information.

Respondent Universe:	1 major railroad
Burden time per response:	45 seconds
Frequency of Response:	On Occasion
Annual number of Responses:	150 notifications
Annual Burden:	2 hours
Annual Cost Equivalent:	\$114 (2 burden hours x \$57 hourly wage rate)

Total annual burden for this entire information collection is 24,183 hours (24,181 + 2).

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.

There is no cost to the Federal Government in connection with these recordkeeping requirements. FRA inspectors will examine the required records as necessary in the course of their normal enforcement duties, as well as during investigations of accidents/incidents.

15. Explanation of program changes and adjustments

Currently, the OMB inventory for this collection of information shows a total burden of

30,420 hours and 1,825,150 responses, while this updated submission reflects a total burden of 24,183 hours and 1,934,650 responses. Overall, the adjustments decreased by 6,237 hours and increased by 109,500 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.

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

TABLE FOR ADJUSTMENTS

CFR Section	Responses & Avg. Time (Previous Submission)	Responses & Avg. Time (This Submission)	Burden Hours (Previous Submission)	FRA Burden Hours (This Submission)	Difference (plus/minus)
218.30—Remotely Controlled Switches: Written record of daily notification provided by worker-in-charge to operator lining each remotely controlled switch against movement	1,825,000 notifications 1 minute	1,934,500 notifications 45 seconds	30,417 hours	24,181 hours	-6,236 hours -109,500 responses
218.77(b)—Remotely Controlled Switches: Notification for protection of track where camp cars will be parked	150 notices/ notifications 1 minute	150 notices/ notifications 45 seconds	3 hours	2 hours	-1 hour 0 responses

There is **no** change in cost to respondents from the last approved submission.

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, rail safety in the U.S. would be significantly hampered. Specifically, the safety of railroad workers would be jeopardized. Railroad workers are vulnerable to being struck by moving cars as they inspect or service equipment on a particular track or as they occupy camp cars. Production of written records of notification heightens attention to safety requirements by minimizing mental lapses by personnel who are handling several operations at the same time. The written notifications also serve to enhance safety by providing an extremely valuable resource that FRA and railroads can use when conducting an investigation of an accident/incident in which railroad workmen are injured or killed. The knowledge gained from both the records and the investigation can be used to prevent similar accidents/incidents from occurring in the future.

In sum, this collection of information provides another tool FRA can use to ensure that Federal regulations are observed, thereby promoting rail safety and aiding FRA in fulfilling its primary mission. Further, 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.