

**FEDERAL RAILROAD ADMINISTRATION**  
**Track Safety Standards**  
**(49 CFR Part 213)**  
**SUPPORTING JUSTIFICATION**  
**RIN 2130-AC53; OMB No. 2130-0010**

Summary

- This submission is a revision to the last approved submission pertaining to Part 213 that was approved by OMB on June 02, 2017 and which expires June 30, 2020.
- FRA is publishing a Notice of Proposed Rulemaking revising Part 213 titled Rail Integrity Amendments & Track Safety Standards in the **Federal Register** on December 31, 2019. See 84 FR 72526. FRA plans to respond to any comments received in response to the NPRM in the final rule.
- The total number of burden **hours requested** for this submission is **252,712 hours**.
- The total burden **previously approved** for this information collection amounted to **1,816,152 hours**.
- Total number of **responses requested** for this submission is **2,114,200**.
- Total number of **responses previously approved** for this collection is **2,765,261**.
- The **change** in burden from the last approved submission decreased the burden by **1,563,360 hours** and **responses** by **651,335**.
- Total **program changes** increased the burden by **120 hours**, and increased the number of responses by **274**.
- Overall, total **adjustments** decreased the burden by **1,563,440 hours** and **responses** by **651,061**.
- \*\* The answer to question **number 12** itemizes the hourly burden associated with each requirement of this rule (See pp. 7-12). \*\* The tables in answer to question number 15 itemize **program changes** and **adjustments** (See pp. 14-19).

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

The first Federal Track Safety Standards were published on October 20, 1971, following the enactment of the Federal Railroad Safety Act of 1970, Pub. L. No. 91-458, 84 Stat. 971 (October 16, 1970), in which Congress granted to FRA comprehensive authority over “all areas of railroad safety.” See 36 FR 20336. FRA envisioned the new Standards to be an evolving set of safety requirements subject to continuous revision allowing the regulations to keep pace with industry innovations and agency research and development. The most comprehensive revision of the Standards resulted from the Rail Safety Enforcement and Review Act of 1992, Pub. L. No. 102-365, 106 Stat. 972 (Sept. 3, 1992), later amended by the Federal Railroad Safety Authorization Act of 1994, Pub. L. No. 103-440, 108 Stat. 4615 (Nov. 2, 1994). The amended statute is codified at 49 U.S.C. 20142 and required the Secretary of Transportation (Secretary) to review and then revise the Track Safety Standards, which are contained in 49 CFR part 213. The Secretary has delegated such statutory responsibilities to the Administrator of FRA. See 49 CFR 1.89. FRA carried out this review on behalf of the Secretary, which resulted in FRA issuing a final rule amending the Standards in 1998. See 63 FR 34029, June 22, 1998; 63 FR 54078, Oct. 8, 1998.

Beginning in 2015, the Track Safety Standards Working Group (TSS Working Group) of the Railroad Safety Advisory Committee (RSAC) met numerous times to “consider specific improvements to the Track Safety Standards . . . designed to enhance rail safety by improving track inspection methods, frequency, and documentation.” As detailed below, FRA’s proposals in this NPRM are, in part, a direct result of the RSAC’s recommendations and of FRA’s own review and analysis of the Track Safety Standards (TSS or Standards) (49 CFR part 213). To streamline and ensure its regulations are as up to date as practicable, FRA periodically reviews and proposes amendments to its regulations.

In this NPRM, FRA proposes to amend subparts A, D, F, and G of the TSS to (1) allow for continuous rail testing, (2) incorporate longstanding waivers related to track frogs, (3) remove the exception for high-density commuter lines from certain track inspection method requirements, and (4) incorporate several consensus-based, RSAC recommendations.

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

This information collection request is a revision to the last approved submission. The information collected under Part 213 is used by FRA to ensure and enhance rail safety. Railroads initially use inspection reports/records to see that tracks are inspected periodically; to confirm that the inspectors are properly qualified in carrying out their duties; and to ensure that tracks are in safe condition for train operations.

Railroads also use these reports/records for maintenance planning, particularly where

defective track is discovered and where repetitive unsafe conditions occur. This information helps railroads address and correct track problems and provides invaluable information in the event of a train derailment, collision, or other train accident/incident.

This proposed rule would amend part 213 to allow for what is commonly referred to as “continuous rail testing.” Currently, some railroads use continuous testing under a waiver. Under this proposed rule, railroads that use continuous testing must provide an annual report to FRA. This report verifies what section of track was tested and how many defects and service failures were found. This ensures that safety is not compromised by allowing continuous testing.

This proposed rule would incorporate two existing waivers into part 213 to provide additional flexibility in the use of track frogs. Under § 213.137, railroads would be required to document the location and specifications of flange-bearing frogs, including inspection and repair of those frogs. Additionally, the information collected under § 213.143 would be used by FRA track owners verify the location and description of each turnout containing a heavy-point frog.

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

FRA strongly encourages the use of advanced information technology, wherever feasible, to reduce burden on respondents. The Track Safety regulations permit great flexibility in the methods employed to establish employee qualifications and to determine track conditions, and only specify information which must be contained in the records. The form of that record is discretionary and entities may use any medium capable of displaying information, including electronic recordkeeping. Records and reports in part 213 may be either in hardcopy or electronic form.

Part 213 allows each railroad to design its own electronic system as long as the system meets the specified criteria to safeguard the integrity and authenticity of each record. Currently, approximately 75% of all responses are now submitted/collected electronically by railroads/track owners.

This proposed rule clarifies requirements when using electronic recordkeeping. It would require that the track owner monitor its electronic records database to ensure record accuracy. This proposed rule also contains a provision for maintaining and retrieving electronic records of track inspections.

### **4. Efforts to identify duplication.**

Records of track inspection results describe a continuously changing condition at any given moment in time. Records of qualified track inspectors are unique to a specific railroad property, and no duplication of information exists. Consequently, there is no duplication of information because this information is new. The information regarding GRMS systems involves a relatively recent technology, and, therefore, there is no

possibility of duplication.

The data collected under this rule or similar data are not available from any other source.

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

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) and Executive Order 13272 (67 FR 53461, Aug. 16, 2002) require agency review of proposed and final rules to assess their impacts on small entities. FRA has not determined whether this proposed rule would have a significant economic impact on a substantial number of small entities.

“Small entity” is defined in 5 U.S.C. 601 as a small business concern that is independently owned and operated, and is not dominant in its field of operation. The U.S. Small Business Administration (SBA) has authority to regulate issues related to small businesses, and stipulates in its size standards that a “small entity” in the railroad industry is a for profit “line-haul railroad” that has fewer than 1,500 employees, a “short line railroad” with fewer than 500 employees, or a “commuter rail system” with annual receipts of less than seven million dollars. See “Size Eligibility Provisions and Standards,” 13 CFR part 121, subpart A.

Federal agencies may adopt their own size standards for small entities in consultation with SBA and in conjunction with public comment. Pursuant to that authority FRA has published a final statement of agency policy that formally establishes “small entities” or “small businesses” as railroads, contractors, and hazardous materials shippers that meet the revenue requirements of a Class III railroad as set forth in 49 CFR 1201.1-1, which is \$20 million or less in inflation-adjusted annual revenues, and commuter railroads or small governmental jurisdictions that serve populations of 50,000 or less. See 68 FR 24891 (May 9, 2003) (codified at appendix C to 49 CFR part 209).

<sup>1</sup>The \$20 million limit is based on the Surface Transportation Board’s revenue threshold for a Class III railroad carrier. Railroad revenue is adjusted for inflation by applying a revenue deflator formula in accordance with 49 CFR 1201.1-1. The current threshold is \$37.1 million or less.<sup>1</sup> FRA is using this definition for the proposed rule. For other entities, the same dollar limit in revenues governs whether a railroad, contractor, rail equipment supplier, or other respondent is a small entity.

This proposed rule would be applicable to all railroads, although not all changes would be relevant to all railroads. Based on the railroads that are required to report accident/incidents to FRA under part 225, FRA estimates there are approximately 735

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<sup>1</sup> The Class III revenue threshold is \$37,108,875 or less, last updated in 2018. (The Class II threshold is between \$37,108,875 and \$463,860,933; and the Class I threshold is \$463,860,933 or more.) See <https://www.stb.gov/econdata.nsf/eb5a2730831be9b8852575a000495ec8/48f3885d7a5b882e852575190052fa79?OpenDocument>.

Class III railroads, with 692 of them operating on the general system. These are of varying size, with some a part of larger holding companies.

FRA proposes to revise its regulations governing the minimum safety requirements for railroad track. The proposed changes include: permitting railroad track owners to inspect rail using continuous rail testing; allowing the use of flange-bearing frogs in crossing diamonds; relaxing the guard check gage limits on heavy point frogs used in Class 5 track; removing the high-density commuter line exception; and other miscellaneous revisions. The proposed revisions would benefit railroad track owners and the public by reducing unnecessary costs, incentivizing innovation, while not negatively affecting rail safety. FRA estimates this NPRM would only minimally impact small railroads and any impact would likely be beneficial.

Most of the changes in this proposed rule would relieve railroad track owners of the burden to apply for waivers. Most of the railroad track owners that were applying for waivers were Class I railroads. Now that the regulation would be changed, all railroad track owners would be required to read and understand the new regulation. Small railroads most likely would not have an employee dedicated to keeping abreast of new regulations. Therefore, an employee with other duties may be required to spend a small amount of time reviewing the new regulation. It is likely that this would only take one to two hours per railroad to review this regulation.

Additionally, the American Short Line and Regional Railroad Association may keep its members abreast of new developments as regulations are changed. This may be transmitted via email or letter. Some of the proposed changes are not very relevant to small railroads as they often use different equipment than Class I railroads. Therefore, the burden of understanding the new regulation would be much smaller for short line railroads as compared to Class I railroads. Also, the additional burden of understanding the regulation would likely be more than offset by the relaxing of inspection timeframes or other advantages of the proposed rule.

This proposed rule also allows for the use of continuous rail testing. Currently, the only railroad track owners using continuous testing under a waiver are Class I railroads. It is unlikely that small railroads would pursue continuous testing. Small railroads generally operate on Class 1 and 2 track, which, by regulation, do not require ultrasonic testing. If small railroads do decide to start continuous testing, they may be able to better maintain their track and reduce track-caused derailments. Therefore, any costs they would incur would be voluntary, to take advantage of the cost savings associated with this rule.

FRA does not anticipate that the proposed rule would negatively impact a substantial number of small entities. FRA further believes that small entities would see cost savings associated with the implementation of the rule as proposed. FRA invites all interested parties to submit data and information regarding the potential economic impact that would result from adoption of the proposals in this NPRM. FRA will consider all comments received in the public comment process.

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

If the information were not collected or collected less frequently, rail safety in the United States would be seriously jeopardized. The data collected under part 213 allows FRA to verify that track inspections are being done in accordance with the regulation.

Without this information, FRA would not know – and not be able to determine whether track is safe – that the track owner/railroad conducted necessary rail inspections sufficient to maintain prescribed service failure target rate.

Information collected and reviewed by FRA as a result of the Track Safety Standards enhance rail safety by ensuring that track owners designate only qualified persons to inspect and maintain track, and to supervise restorations and renewals of track under traffic conditions. This, in turn, will help to reduce the number of accidents/incidents and corresponding injuries, deaths, and property damage.

Inspection records are extremely important and are used by Federal and State investigators in the enforcement of the Track Safety Standards, and thus help promote rail safety. Track owners are required to retain inspection records for at least two years after the actual inspection and for one year after the remedial action is taken. The frequency of inspection is related to the rate of track degradation, and a relaxation of that frequency would increase the risk of an accident caused by a defect that had not been detected. In the event of a train accident/incident, particularly one implicating track structure, these inspection records provide invaluable investigatory assistance in determining the exact cause(s) of the accident/incident and also provide keen insight in designing appropriate remedial measures.

The new information collected from requirements in this proposed rule would ensure that continuous testing is done in accordance with the regulation and track safety is not compromised. The information collected regarding heavy-point and flange-bearing frogs ensures that FRA is aware of the locations of these types of frogs and that they are being maintained in a safe manner.

In sum, the information collected aids FRA in its primary mission, which is to promote and enhance rail safety throughout the nation.

## **7. Special circumstances.**

All information collection requirements contained in this rule are in compliance with this section.

## **8. Compliance with 5 CFR 1320.8.**

FRA is publishing a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on December 31, 2019, titled Rail Integrity Amendments and Track Safety Standards soliciting comments on the proposed rule and its accompanying information collection requirements from the regulated community, the general public, and interested parties. See 84 FR 72526. FRA will respond to any comments received concerning the proposed rule and its associated collection of information at the final rule stage and in the final rule Supporting Justification.

**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 NPRM rule.

**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 or data that would normally be considered private in this collection of information.

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

CFR Section	Respondent Universe <sup>2</sup>	Total Annual Responses	Average Time per Response	Total Annual Burden Hours	Total Annual Dollar Cost Equivalent <sup>3</sup>
213.4 - Excepted track - Notification to FRA about removal of excepted track	236 railroads	15 notices	10 minutes	3 hours	\$219
213.5 - Responsibility of track owners	744 railroads	10 written notices	1 hours	10 hours	\$730

<sup>2</sup> Based on the latest agency data, the total number of railroads operating in the United States on the general system of transportation is now 744. There are an additional 57 railroads not on the general system of transportation (such as tourist, historic, excursion, and scenic railroads).

<sup>3</sup> The dollar equivalent cost is derived from the 2018 Association of American Railroads publication titled Railroad Facts (Employment and Annual Wages by Class) using the appropriate employee group to calculate the average hourly wage rate that includes 75 percent overhead charges.

213.7 - Designation of qualified persons to supervise certain renewals and inspect track - Designations: Names on list with written authorization	728 railroads	1,500 names	10 minutes	250 hours	\$18,250
213.17 - Waivers	744 railroads	6 petitions	2 hours	12 hours	\$876
213.57 - Curves, elevation and speed limitations - Request to FRA for vehicle type approval - Written Notification to FRA prior to implementation of higher curving speeds -- Written consent of track owners obtained by railroad providing service over that track	744 railroads 744 railroads 744 railroads	2 requests 2 notifications 2 written consents	8 hours 2 hours 45 minutes	16 hours 4 hours 2 hours	\$1,168 \$292 \$146
213.110 - Gage restraint measurement systems (GRMS) - Implementing GRMS - notices & reports - GRMS vehicle output reports - GRMS vehicle exception reports - GRMS/PTLF - procedures for data integrity - GRMS inspection records	744 railroads 744 railroads 744 railroads 744 railroads 744 railroads	5 notifications + 1 tech. rpt. 50 reports 50 reports 1 proc. doc. 50 records	45 minutes/ 4 hours 5 minutes 5 minutes 2 hours 1 hour	8 hours 4 hours 4 hours 2 hours 50 hours	\$365 \$288 \$288 \$146 \$3,650
213.118 Continuous welded rail (CWR); plan review and approval - Revised plans w/procedures for CWR - Notification to FRA and RR employees of CWR plan effective date - Written submissions after plan disapproval - Final FRA disapproval and plan amendment	436 railroads 436 RRs/80,000 employees 744 railroads 744 railroads	8 plans 800 notifications 7 written submissions 7 amended plans	4 hours 15 seconds 2 hours 1 hour	32 hours 3 hours 14 hours 7 hours	\$2,336 \$219 \$1,022 \$511

<p>213.119 - Continuous welded rail (CWR); plan contents</p> <ul style="list-style-type: none"> <li>- Record keeping for special inspections</li> <li>- Record keeping for CWR rail joints</li> <li>- Periodic records for CWR rail adjustments</li> </ul>	<p>436 railroads 436 railroads 436 railroads</p>	<p>60,000 records 180,000 rcds. 480,000 rcds.</p>	<p>15 seconds 2 minutes 2 minutes</p>	<p>250 hours 6,000 hours 16,000 hours</p>	<p>\$18,250 \$438,000 \$1,168,000</p>
<p>213.137 -- <b>New Requirements</b> -- Frogs:</p> <ul style="list-style-type: none"> <li>- Railroad documentation of flange-bearing frogs (FBFs) location, crossing angle, tonnage, speed, directions, and type of traffic</li> <li>- Inspection of FBF crossing diamond installations and records</li> </ul> <p>-- RR preparation and distribution of insert to maintenance manuals for responsible personnel for the inspection and repair of FBF crossing diamonds</p>	<p>744 railroads  744 railroads  744 railroads</p>	<p>5 railroad documents  240 inspection /records 7 manuals</p>	<p>30 minutes  15 minutes  30 minutes</p>	<p>3 hours  60 hours  4 hours</p>	<p>\$219  \$4,380  \$292</p>
<p>213.143 -- <b>New Requirements</b> -- Frog guard rails and guard faces; gage (FRA request from RR/track owner of record of the location and description of each turnout containing a heavy-point frog (HPF))</p>	<p>744 railroads</p>	<p>10 HPF turnout records</p>	<p>30 minutes</p>	<p>5 hours</p>	<p>\$365</p>

213.237– Inspection of Rail - Detailed request to FRA to change designation of a rail inspection segment or establish a new segment - Notification to FRA and all affected employees of designation’s effective date after FRA’s approval/conditional approval - Notice to FRA that service failure rate target in paragraph (a) of this section is not achieved - Explanation to FRA as to why performance target was not achieved and provision to FRA of remedial action plan	10 railroads	10 requests	15 minutes	3 hours	\$219
	10 railroads	50 notices + 120 notices/ bulletins	15 minutes	43 hours	\$3,139
	10 railroads	12 notices	15 minutes	3 hours	\$219
	10 railroads	12 letters of explanation + 12 plans	15 minutes	6 hours	\$438
213.240– <b>New Requirements</b> -- Continuous rail testing	12 railroads	12 reports	4 hours	48 hours	\$3,504
213.241 - Inspection records	744 railroads	1,375,000 records	10 minutes	229,167 hours	\$16,729,191
213.303 – Responsibility for compliance	2 railroads	1 notification	1 hour	1 hour	\$73
213.305 – Designation of qualified individuals; general qualifications - Designations (partially qualified)  - RR produced designation record upon FRA request	2 railroads	200 railroad designations	10 minutes	33 hours	\$2,409
	2 railroads	20 records	30 minutes	10 hours	\$730
213. 317 – Waivers	2 railroads	1 petition	2 hours	2 hours	\$146
213.329 Curves, elevation and speed limitations - FRA approval of qualified vehicle types based on results of testing - Written notification to FRA 30 days prior to implementation of higher curving speeds - Written Consent of Other Affected Track Owners by Railroad	2 railroads	2 docs.	8 hours	16 hours	\$1,168
	2 railroads	2 notices	2 hours	4 hours	\$292
	2 railroads	2 written consents	45 minutes	2 hours	\$146

213.333 Automated Vehicle Insp. System - Measurements – - TGMS Output/Exception Reports	7 railroads	7 reports	1 hour	7 hours	\$504
213.341 – Initial inspection of new rail & welds - Inspection of field welds	2 railroads	800 records	2 minutes	27 hours	\$1,971
213.343 – Continuous welded rail (CWR) <b>(Revised)</b> - Revised plans w/procedures for CWR - Notification to FRA and RR employees of CWR plan effective date - Written submissions after plan disapproval - Final FRA disapproval and plan amendment	2 railroads 2 RRs/80,000 employees 2 railroads 2 railroads	1 plan 100 notifications 1 written submission 1 amended plan	4 hours 15 seconds 2 hours 1 hour	4 hours 0.4 hours 2 hours 1 hour	\$292 \$30 \$146 \$73
213.345 Vehicle qualification testing - Vehicle qualification program for all vehicle types operating at track Class 6 speeds or above - Previously qualified vehicle types qualification programs -- Written consent of other affected track owners by railroad	2 railroads 2 railroads 2 railroads	2 programs 2 programs 2 written consents	120 hours 40 hours 8 hours	240 hours 80 hours 16 hours	\$17,520 \$5,840 \$1,760
213.369 Inspection Records - Record of inspection of track - Internal defect inspections and remedial action taken	2 railroads 2 railroads	15,000 records 50 records	1 minute 5 minutes	250 hours 4 hours	\$18,250 \$292
<b>TOTAL</b>	<b>744 railroads</b>	<b>2,114,200</b>	<b>N/A</b>	<b>252,712</b>	<b>\$18,448,364</b>

The total estimated annual burden for this entire information collection is **252,712** hours. The dollar equivalent cost for these estimated burden hours is **\$18,448,364**.

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

There are no additional costs to respondents other than the hour burden costs.

#### **14. Estimate of Cost to Federal Government.**

This proposed rule does not increase the cost to the Federal Government.

The estimated costs to the Federal Government pertain to the Part 213 requirements associated with the Vehicle/Track Interaction Safety Standards Final Rule, which was published on March 13, 2013 (78 FR 16051). To calculate the government administrative cost, the 2019 Office of Personnel Management wage rates were used for the Washington, D.C. area. For each GS level, step 5 was used as a midpoint. Wages were considered at the burdened wage rate by adding in an overhead cost of 75 percent (or multiplying the wage rate by 1.75).

1. \$524 – Section 213.333(a) & (b) – Four (4) hours for FRA Track Staff Director (GS-15) to review request from railroads concerning track geometry measurements taken from a distance different from that specified under section 213.333(b)(1).
2. \$5,660 – Section 213.333 (k)(1) – 16 hours each for FRA Track Staff Director (GS-15) and two staff members (GS-14) to review requests for alternate location of devices for measuring lateral accelerations mounted on a truck frame.
3. \$18,605 – Section 213.333(l) – 40 hours each for FRA Track Staff Director (GS-15) and three staff members (GS-14) to review reports submitted to FRA of monitoring data collected in accordance with sections 213.333 (j) and (k).
4. \$18,605 – Section 213.345(a) – 40 hours each for FRA Track Staff Director (GS-15) and three staff members (GS-14) to review railroad vehicle type qualification programs developed to ensure that vehicle/track system will not exceed the wheel/rail force safety limits and the carbody and truck acceleration criteria specified in section 213.333(a)(1) and 21.333(a)(2).
5. \$18,605 – Section 213.345(a) – 40 hours each for FRA Track Staff Director (GS-15) and three staff members (GS-14) to review railroad vehicle type qualification programs (that include analyses and tests) for operation at the same class and cant deficiency on another route.
6. \$891 – Section 213.333(h) – Eight (8) hours for FRA Track staff member (GS-14) to review written consent of track owner submitted by railroad that provides service with the same vehicle type over trackage of one or more track owner(s).

**TOTAL Vehicle/Track Interaction Costs = \$62,889**

FRA's cost for CWR requirements:

7. \$7,710 - 75 hours for FRA staff to review 279 revised procedures/plans (under section 213.118, which describe the scheduling and conduct of physical track

inspections to detect cracks and other incipient failures in CWR). The cost for FRA reviewing staff is equally divided between GS-13s and GS-14s.

8. \$23,853 - 235 hours for FRA staff to review 20 additional revised procedures/plans, 100 written notifications, and 20 amended training programs. The cost for FRA reviewing staff is equally divided between GS-12s, GS-13s, and GS-14s.

**TOTAL CWR Costs = \$31,563**

Additionally, FRA's cost for GRMS requirements:

1. \$9,218 - 16 hours for 2 GS-14s to review technical data + 30 hours for 2 GS-13s to review notifications.
2. \$476 - 6 hours for one GS-12 to review training programs.

**Total GRMS Costs = \$9,694**

**GRAND TOTAL COST = \$104,145**

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

This information collection request is a revision to the last approved submission. FRA is requesting a total burden of 252,712 hours and 2,114,200 responses. Overall, the burden for this submission has decreased by 1,563,440 hours and by 651,061 responses. The change in burden is due both to program changes (an increase) and adjustments (a decrease).

FRA provided a thorough review of this package and determined many of our initial figures were based on rough estimates. Additionally, we realized some of the estimates were double counted and others were outdated. Moreover, other estimates were not Paperwork Reduction Act (PRA) requirements, thus leading to the increased figures, which were decreased accordingly in this submission. Thus, our latest review has refined our estimates to be more accurate. The tables below provide specific information on the review of any that have changed.

**TABLE FOR PROGRAM CHANGES**

CFR Section	Responses & Avg. Time (Previous Submission)	Responses & Avg. Time (This Submission)	Burden Hours (Previous Submission)	FRA Burden Hours (This Submission)	Difference (plus/minus)
213.137 -- <b>New</b>	0 copies	5 railroad	0 hours	3 hours	+ 3 hours

<b>Requirements –</b> Frogs: - Railroad documentation of flange-bearing frogs (FBFs) location, crossing angle, tonnage, speed, directions, and type of traffic - Inspection of FBF crossing diamond installations and records -- RR preparation and distribution of insert to maintenance manuals for responsible personnel for the inspection and repair of FBF crossing diamonds	0 minutes	documents 30 minutes			+ 5 responses
	0 copies 0 minutes	240 inspection /records 15 minutes	0 hours	60 hours	+ 60 hours + 240 responses
	0 copies 0 minutes	7 manuals 30 minutes	0 hours	4 hours	+ 4 hours + 7 responses
213.143 – New Requirements -- Frog guard rails and guard faces; gage (FRA request from RR/track owner of record of the location and description of each turnout containing a heavy-point frog (HPF))	0 copies 0 minutes	10 HPF turnout records 30 minutes	0 hours	5 hours	+ 5 hours + 10 responses
213.240– <b>New Requirements</b> -- Continuous rail testing	0 copies 0 minutes	12 reports 4 hours	0 hours	48 hours	+ 48 hours + 12 responses

**Program changes** listed above increased the burden by *120 hours* and *274 responses*.

### **TABLE FOR ADJUSTMENTS**

Part 213 Section	Responses & Avg. Time (Previous Submission)	Responses & Avg. Time (This Submission)	Burden Hours (Previous Submission)	Burden Hours (This Submission)	Difference (plus/minus)
213.4 - Excepted track - Notification to FRA about removal of	20 orders 15 minutes	0 orders 0 minutes	5 hours	0 hours	-- 5 hours -- 20 responses

excepted track					
213.5 - Responsibility of track owners	10 written notices 8 hours	10 written notices 1 hour	80 hours	10 hours	-- 70 hours -- 0 responses
213.7(c) (1&2) – Comprehensive CWR Training - (c)(3) Written authorization to employee to prescribe CWR remedial actions & successful completion of recorded exam on CWR procedures as part of qualification process (d) Persons partially designated to supervise certain renewals and inspect track	10,000 employees 4 hours	0 employees 0 hours	40,000 hours	0 hours	-- 40,000 hrs. -- 10,000 resp.
	10,000 authorizations @ 10 min. ea. + 10,000 recorded exams @ 60 min. ea.	0 authorizations 0 minutes	11,667 hours	0 hours	--11,667 hours -- 20,000 resp.
	1,000 partial designations 10 minutes	0 partial designations 0 minutes	167 hours	0 hours	-- 167 hours -- 1,000 responses
213.17 – Waivers	6 petitions 72 hours	6 petitions 2 hours	432 hours	12 hours	-- 420 hours 0 responses
213.57 - Curves, elevation and speed limitations - Request to FRA for vehicle type approval - Written Notification to FRA prior to implementation of higher curving speeds	2 requests 40 hours	2 requests 8 hours	80 hours	16 hours	-- 64 hours 0 responses
	2 notifications 8 hours	2 notifications 2 hours	16 hours	4 hours	-- 12 hours 0 responses
213.110 - Gage restraint measurement systems (GRMS) - Implementing GRMS - notices & reports - GRMS training programs/sessions	1 notification + 1 tech report 45 minutes + 4 hours	5 notifications + 1 tech report 45 minutes + 4 hours	5 hours	8 hours	+ 3 hours + 4 responses
	2 programs + 5 sessions 16 hours	0 programs 0 hours	112 hours	0 hours	-- 112 hours -- 7 responses
213.118 Continuous welded rail (CWR); plan review and approval - Revised plans w/procedures for CWR - Notification to FRA and RR employees of	100 plans 4 hours	8 plans 4 hours	400 hours	32 hours	-- 368 hours -- 92 responses
	100 notifications + 10,000 notices	800 notifications	733 hours	3 hours	-- 730 hours -- 9,300 resp.

CWR plan effective date - Written submissions after plan disapproval - Final FRA disapproval and plan amendment	15 min + 2 min 20 submissions 2 hours 20 amended plans 1 hour	15 seconds 7 submissions 2 hours 7 amended plans 1 hour	40 hours 20 hours	14 hours 7 hours	-- 26 hours 0 responses -- 13 hours 0 responses
213.119 - Continuous welded rail (CWR); plan contents - Annual CWR retraining of employees - Record keeping for special inspections - Record keeping for CWR rail joints  - Periodic records for CWR rail adjustments - Copy of track owner's CWR procedures	10,000 retrained employees 4 hours  10,000 records 2 minutes 360,000 records 2 minutes  480,000 records 1 minute  279 manuals 10 minutes	0 programs 0 hours  60,000 records 15 seconds 180,000 records 2 minutes 480,000 records 2 minutes 0 manuals 0 minutes	40,000 hours  333 hours 12,000 hours  8,000 hours 47 hours	0 hours  250 hours 6,000 records  16,000 0 hours	-- 40,000 hours -- 10,000 resp.  -- 83 hours + 50,000 resp. -- 6,000 hours -- 180,000 resp. + 8,000 hours -- 0 resp.  -- 47 hours -- 279 resp.
213.233 – Track inspections: notation on inspection form as to which track inspectors were on	300,000 notations 1 minute	0 notations 0 minutes	5,000 hours	0 hours	-- 5,000 hours -- 300,000 resp.
213.241 - Inspection records	1,542,089 records (varies) minutes	1,375,000 records 10 minutes	1,672,941 hours	229,167 hours	-- 1,443,774 hours -- 167,089 responses
213.303 – Responsibility for compliance	1 notification 8 hours	1 notification 1 hour	8 hours	1 hour	-- 7 hours -- 0 resp.
213.305 – RR produce designation record upon FRA request	0 records 0 minutes	20 records 30 minutes	0 hours	10 hours	+ 10 hours + 20 responses
213. 317 – Waivers	1 petition 80 hours	1 petition 2 hours	80 hours	2 hours	-- 78 hours 0 responses
213.329 Curves, elevation and speed limitations - FRA approval of qualified vehicle types based on results of testing - Written notification to FRA 30 days prior to implementation of	200 documents 4 hours  20 notifications 40 hours	2 documents 8 hours  2 notifications 2 hours	800 hours  800 hours	16 hours  4 hours	-- 784 hours -- 198 responses  -- 796 hours -- 18 responses

higher curving speeds - Written Consent of Other Affected Track Owners by Railroad	20 written consents 45 minutes	2 written consents 45 minutes	15 hours	2 hours	-- 13 hours -- 18 responses
213.333 Automated vehicle insp. system - Measurements – - Request for atypical measurement - TGMS output/exception Reports - Track/Vehicle Performance Measurement System: Copies of most recent exception reports/additional records - Notification to track personnel when onboard accelerometers indicate track-related problem - Requests for an alternate location for device measuring lateral accelerations - Report to FRA providing analysis of collected monitoring data	1 request 8 hours  50 reports 10 hours 50 reports/records 10 hours  2 notifications 10 hours  1 request 1 hour  1 report 8 hours	0 request 0 hours  7 reports 1 hour 0 reports/records 0 hours  0 notifications 0 hours  0 request 0 hour  0 report 0 hours	8 hours  500 hours 500 hours  20 hours  1 hour 8 hours	0 hours  7 hours 0 hours  0 hours 0 hours 0 hours	-- 8 hours -- 1 response  -- 493 hours -- 43 responses  -- 500 hours -- 50 responses  -- 20 hours -- 2 responses  -- 1 hour -- 1 response  -- 8 hours -- 1 response
213.341 – Initial inspection of new rail & welds – Mill inspection - Record of inspection of field welds	20 reports 16 hours  1,000 records 20 minutes	0 reports 0 hours  800 records 2 minutes	320 hours  333 hours	0 hours  27 hours	-- 320 hours -- 20 responses  -- 306 hours -- 200 responses
213.343 – Record of CWR work that does not conform with written procedures - Revised plans w/procedures for CWR - Notification to FRA and RR employees of CWR plan effective date - Written submissions	3,000 records 4 hours  0 reports 0 hours  0 reports 0 hours  0 reports	0 records 0 hours  1 plan 4 hours  100 notices 15 seconds  1 submission	12,000 hours  0 hours 0 hours 0 hours	0 hours  4 hours 0.4 hours 2 hours	-- 12,000 hours -- 3,000 resp.  + 4 hours + 1 response  + 0.4 hours + 100 responses  + 2 hours + 1 response

after plan disapproval - Final FRA disapproval and plan amendment	0 hours  0 reports 0 hours	2 hours  1 amended plan 1 hour	0 hours	1 hour	+ 1 hour + 1 response
213.345 Vehicle qualification testing - Vehicle qualification program for all vehicle types operating at track Class 6 speeds or above - Previously qualified vehicle types qualification programs -- Written consent of other affected track owners by railroad	50 programs 120 hours    50 programs 40 hours  3 written consents 8 hours	2 programs 120 hours   2 programs 40 hours  2 written consents 8 hours	6,000 hours   2,000 hours  24 hours	240 hours   80 hours  16 hours	-- 5,760 hours -- 48 responses   -- 1,920 hours -- 48 responses  -- 8 hours -- 1 response

**Adjustments** above decreased above the burden by 1,563,560 hours and increased the number of responses by 651,335.

The current OMB agency inventory exhibits a total burden of 1,816,152 hours and 2,765,261 responses, while the present submission reflects a total burden of 252,712 hours and 2,123,500 responses.

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

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

There will be 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.