

**11FEDERAL RAILROAD ADMINISTRATION
RAILROAD COMMUNICATIONS
(Title 49 Code of Federal Regulations Part 220)
SUPPORTING JUSTIFICATION
OMB Control No. 2130-0524**

Summary of Submission

- This submission is a request for an extension with change of the last three-year approval granted by the Office of Management and Budget (OMB) on May 17, 2017, which now expires on May 31, 2020.
- FRA published the required 60-day *Federal Register* Notice on March 16, 2020. See 85 FR 15020. FRA received no comments in response to this Notice.
- The total number of burden hours requested for this information collection is 95,902 hours. The total number of burden hours previously approved by OMB was 293,521 hours.
- The total number of responses requested for this information collection is 4,119,004. The total number of responses previously approved by OMB was 12,433,554.
- Overall, the adjustments decreased the burden by 197,619 hours and decreased responses by 8,314,550 after a thorough review of the data.
- The answer to question number 12 itemizes all information collection requirements with each requirement of these rules. (See pages 10-11)
- The answer to question number 15 itemizes all adjustments associated with this rule. (See pages 11-13.)
- There are no program changes at this time.

1. Circumstances that make collection of the information necessary.

Background

The increasing number of distractions for drivers has led to increasing safety risks. The distractions caused by cell phones (mobile phones/cellular phones) have been a concern for years. In addition, each day, drivers are distracted by eating, conversations with passengers, using portable electronic devices, or some other type of multitasking. This type of behavior results in vehicle accidents and significant costs to our nation's economy. Parallels are easily drawn between distracted driving and the operation of trains while using distracting electronic devices, as evidenced by the examples discussed below.

In response to this growing problem, the U.S. Department of Transportation (DOT) hosted a Distracted Driving Summit in Washington, D.C. (http://www.rita.dot.gov/distracted_driving_summit/). At the Summit, DOT brought together safety and law enforcement experts, as well as young adults whose distracted driving had tragic consequences. Attendees heard the testimony of families who lost loved ones because someone else had chosen to send a text, dial a phone, or become occupied with another activity while driving. In addition to hosting the Summit, DOT reviewed research and decided to take a more systematic look at the issue and its many dimensions.

On October 1, 2008, the Federal Railroad Administration (FRA) issued Emergency Order No. 26 (EO 26 or “Order”) restricting the on-duty use of cellular telephones and other electronic devices. (73 FR 58702, October 7, 2008). This FRA action was, in part, a response to the September 12, 2008, head-on collision between a Southern California Regional Rail Authority (Metrolink) commuter train and a Union Pacific Railroad Company (UP) freight train in Chatsworth, California. This accident resulted in 25 deaths, numerous injuries, and more than \$7 million in damages. Information discovered during the NTSB investigation indicates that the locomotive engineer of the Metrolink commuter train passed a stop signal. NTSB stated that a cell phone owned by the commuter train engineer was being used to send a text message within 30 seconds of the time of the accident.

In the period from the effective date of EO 26, October 27, 2008, through December 7, 2009, FRA inspectors discovered approximately 200 instances in which the Order may have been violated. FRA’s Office of Railroad Safety recommended enforcement action against the employee or railroad in 56 of these instances. Forty-nine of these actions were based on a railroad employee’s use of an electronic device, failing to have its earpiece removed from the employee’s ear, or failing to have the device turned off in a potentially unsafe situation. In addition, 48 of the incidents recommended for enforcement action involved personal, as opposed to railroad-supplied, devices. These incidents begin to illustrate the hazards using distracting electronic devices while on duty. For this reason, FRA is compelled to promulgate enforceable regulations to prevent the unsafe use of electronic devices by on-duty railroad employees.

Congress required the Secretary of Transportation (Secretary) to complete a study on the safety impact of the use of personal electronic devices by safety-related railroad employees by October 16, 2009, and to report to Congress on the results of the study within six months after its completion.¹ Section 405(d) of the RSIA authorizes the Secretary to prohibit the use of personal electronic devices that may distract employees from safely performing their duties based on the conclusions of the required study. The Secretary, in turn, has delegated the responsibility to carry out these duties and exercise this authority to the Federal Railroad Administrator.

¹ See section 405(a) and (c) of the Rail Safety Improvement Act of 2008 (RSIA), Pub. L. 110-432, Div. A, 122 Stat. 4848, Oct. 16, 2008 (122 Stat. 4885, 49 U.S.C. 20103 note).

The required study, titled “The Impact of Distracting Electronic Devices on the Safe Performance of Duties by Railroad Operating Employees” was completed and submitted to Congress on May 27, 2010. The study stated that FRA has found that railroad operating employees were increasingly using distracting electronic devices in a manner that created hazards.

FRA amended its railroad communications regulations by restricting use of cellular telephones and other distracting electronics by railroad operating employees. This rule codified most of the requirements of EO 26.

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

This is an extension with change to a current collection of information entirely associated with FRA’s Part 220 rule. This information is used by FRA to promote safety in rail operations and to ensure compliance by railroads and their employees with all the requirements of this part. FRA inspectors review the information collected under § 220.302 during routine safety audits to ensure that railroads amend their code of operating rules so that they comply with all the requirements of subpart C of Part 220. Railroads are required to amend their operating rules so that they minimally meet the requirements of this rule and have the option to impose more stringent requirements on the use of cell phones by their employees if they elect to do so.

In § 220.307(a), FRA addresses the use of electronic devices that are supplied by the railroad to employees and are currently being used for business purposes. Railroads must provide written instructions for their employees (most likely in their operating rules) that clearly define the authorized business purposes for using a railroad-supplied electronic device. This information is used by FRA to ascertain compliance and is used by railroad employees to gain a clear understanding of what is permissible and what is not regarding such devices and aid them in being fully attentive to their job duties. It is crucial that railroad employees be completely focused on performing their assigned duties and that they understand all restrictions on the use of cell phones and other electronic devices – both the requirements of Part 220 and any more stringent railroad operating rule requirements.

The safety briefings mandated by § 220.307(c) and (d) that involve locomotive train crewmembers on freight/passenger trains and railroad operating employees (not in deadhead status) who are outside the cab of a controlling locomotive relating to the use of railroad-supplied electronic devices are used by these employees to clearly communicate to one another the circumstances where all agree that it is safe to the use these devices without endangering cargo, passengers, or themselves. The experience and wisdom of the group through complete unanimity on use of mobile telephone or other electronic device helps to ensure the safety of all.

FRA reviews railroad required written programs of instruction, training, and examination of their operating employees/supervisors of operating employees on the application of the railroad's operating rules implementing this subpart under § 220.313 to ensure that railroads develop and implement a program addressing the requirements of this Part. The written program may be consolidated with the program of instruction required under 49 CFR 217.11. The program must include instruction on both the requirements of this subpart as well as consequences of non-compliance, must include instructions on specific provisions of this rule, and must include instruction on the distinction between the requirements of this regulation and more stringent railroad operating rules. FRA inspectors review the required records to verify that operating employees are actually trained to understand the proper and improper use of mobile telephones and other electronic devices and have been qualified on the requirements of this subpart.

Under § 220.315, each railroad's program of operational tests and inspection under Part 217 must be revised, as necessary, to include this subpart and must specifically include a minimum number of operational tests and inspections (subject to adjustments as appropriate). FRA reviews these amendments to the code of operating rules, new timetables, and new timetable special instructions by Class I, Class II, and Class III railroads to ensure that railroads fully comply with the requirements of Subpart C of Part 220 and to ensure that they have developed safe operating rules and practices that conform to applicable Federal laws and regulations.

FRA reviews waiver petitions to determine whether it is appropriate, safe, and in the public interest to grant exceptions to any of the requirements of this regulation.

FRA's Office of Safety personnel have reviewed and continue to review railroads' operating rules records concerning radio communications to determine that the minimum standards established by the regulation are being met. The information collected enables both the railroads and FRA to focus attention on and improve those procedures which are unique to radio-train operations. FRA's analysis of the information collected is used to identify unsafe operating practices in the use of radio communications in railroad operations and to ensure that railroads take corrective measures concerning any unsafe operating practices. If the information were not collected, accidents would then be the primary method of identifying unsafe practices, and prevention efforts would be severely hampered.

Mandatory directives transmitted by radio, which are required to be copied down in writing and then immediately repeated after receipt by the receiving employee, are used by railroads and railroad employees to ensure the safe operation of trains and other on-track equipment, as well to enhance on-track safety for roadway workers and other railroad employees. In particular, before a mandatory directive is acted upon by a train crew, the conductor and locomotive engineer must have a written copy of the mandatory directive and make certain that the mandatory directive is read and understood by all members of the crew who are responsible for the safe operation of the train. All train

crew members will have a clear understanding of the nature of the train movement and will act accordingly. Mandatory directives, which have been fulfilled or cancelled, must be marked with an “X” or in accordance with the railroad’s operating rules, and retained for the duration of the train crew’s work assignment. Train crews execute these markings to ensure that they are not operating with a track warrant or mandatory directive that is no longer in effect. Train crews use this information or follow this operating procedure to ensure that only current mandatory directives are carried out and trains are moved in an authorized, appropriate, accurate, and safe manner. By reducing the likelihood of movement errors, railroad safety is considerably enhanced.

3. Extent of automated information collection.

Over the years, FRA has strongly encouraged and highly endorsed the use of advanced information technology, wherever possible, to reduce burden. In keeping with the requirements of the Paperwork Reduction Act and the Government Paperwork Elimination Act, requirements under § 220.313 permit electronic responses. Less than one percent of all responses can be kept electronically.

It should be noted that information collection requirements presented by this rule involve the minimal use of paper. Where written paper requirements are specified, such as the manual copying of mandatory directives, FRA has done so to improve safety in the daily railroad environment by reducing the likelihood of misunderstandings or miscommunication between dispatchers/operators and train crews, and dispatchers/operators and other railroad employees before a mandatory directive is acted upon.

4. Efforts to identify duplication.

The information collection requirements to our knowledge are not duplicated anywhere.

Similar data are not available from any other source.

5. Efforts to minimize the burden on small businesses.

Background

The “universe” of the entities considered in this analysis generally includes only those small entities that can reasonably expect to be directly regulated by this rule. The types of small entities potentially affected by this rule are small railroads.

“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 1,500 employees, a “commuter rail system” with annual

receipts of less than \$16.5 million dollars, or a contractor that performs support activities for railroads with annual receipts of less than \$16.5 million. Additionally, 5 U.S.C. 601 defines as “small entities” governments of cities, counties, towns, townships, villages, school districts, or special districts with populations less than 50,000.

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 as railroads, contractors, and hazardous materials shippers that meet the revenue requirements of a Class III railroad. FRA is using this definition for this rulemaking.

Approximately 700 railroads meet the criteria for small entities and report operational data to FRA. FRA is using this as our estimate of the universe of small entities that could be directly impacted by this rule. Many of these railroads rely on cell phones for train operations.

Like EO 26, this rule contains exceptions that would allow railroads that have fewer than 400,000 annual employee hours and that rely on wireless communication devices for certain train operations to continue to do so, with the same restriction that such usage be limited to performing the employees’ railroad duties. The primary benefactors of this flexibility are small railroads. FRA is clarifying that the exception in the Order for railroad operating employees to use railroad-supplied or railroad-authorized electronic devices to conduct train or switching operations “under conditions authorized under 49 CFR Part 220” was intended to accommodate small railroad operations. The locomotives of the trains exempt from the requirement to have a working radio on the lead locomotive do not operate at high speeds, do not handle regular passenger traffic, are only permitted to operate over joint territory in specific low-speed circumstances, and must have working wireless communications aboard the controlling locomotive of trains containing placarded hazardous material loads.

In general, small railroad costs associated with compliance with EO 26 would continue to accrue under FRA’s rule. Additional burden to such railroads would come from the requirement to provide instruction to its operating employees on the substance of the regulation as well as the need to update their written programs to qualify its operating employees for compliance with operating rules implementing the new requirements. FRA anticipates that this instruction will be achieved through means such as distribution of written materials to employees, job briefings by supervisors or roving instructors, and question-and-answer services. Approximately 91,000 train and engine employees will be impacted, and about 20 percent of these will be small railroad employees. Revision of programs is not expected to entail more than one labor hour per railroad. These two costs – that of additional instruction and that of revising programs – will likely not significantly burden any small railroads.

Additional railroad costs transferred from EO 26 include the costs associated with performing operational tests and conducting periodic training. Given that operational

tests and training associated with this regulation will be conducted with other required operational testing and training, the additional annual cost will total about as much as the cost in the first year for instruction and program revision. Again, this cost will likely not significantly burden small railroads.

Because this rule will apply to all small railroads, FRA has concluded that a substantial number of small entities will be impacted. However, the overall impact on small railroads is not expected to be significant. FRA believes that the costs to small railroads associated with this rule are not significant and are very similar to those currently incurred under EO 26.

In this rule then, FRA has certified that there will not be a significant economic impact on a substantial number of small entities.

6. Impact of less frequent collection of information.

If FRA did not collect this information or collected it less frequently, railroad safety would be directly and adversely impacted. Without the information collected under the new § 220.302 and § 220.307, FRA would have no way of knowing whether railroads were complying with Subpart C of Part 220, including whether they revised or modified their operating rules to conform to this rule's requirements regarding restrictions on the use of cell phones and other electronic devices. Without the records required under § 220.313, FRA would have no way of knowing whether railroads actually provided this essential training for their operating employees on this rule's requirements and their own operating rules regarding use of electronic devices and whether employees successfully completed this training. Without this information, railroad operating employees might engage in unsafe practices by being distracted through the improper or unauthorized use of electronic devices while performing their highly sensitive safety functions. This could lead to increased numbers of accidents/incidents and corresponding injuries, fatalities, and property damage similar to the ones cited above in answer to question one and throughout FRA's Emergency Order No. 26.

Clear and accurate communication—without the needless distractions of cell phones and other unnecessary electronic devices—is critical for the safe movement of trains in this country. Based on recent railroad accident history, it is imperative that railroads conform to the requirements of this Part and include in their operating rules restrictions on the use of mobile telephones and other electronic devices. It is essential that railroad employees be instructed on and understand the basic restrictions imposed on the use of cell phones and other electronic devices by this Part and the restrictions imposed by their railroad employers (which may be more stringent).

Without this collection of information, FRA would be significantly hindered in detecting unsafe or undesirable trends in railroad operations and in taking necessary timely action to correct/eliminate actual or potential problems. Such hindrance could lead to increased

numbers of accidents/incidents with corresponding casualties—injuries and deaths—to train crews, railroad passengers, roadway workers, and others operating on or near the rail environment.

Without this collection of information, FRA would have no way of determining whether it is safe, appropriate, and in the public interest to grant exceptions to railroads concerning any of the requirements of this Part. By having the ability to review and evaluate waiver petitions, FRA can make informed decisions and thus ensure that railroads adhere to and maintain high levels of safety.

Without this collection of information, safe train movements might be jeopardized if mandatory directives were not copied down in writing, repeated in their entirety to train dispatchers or operators, and then marked off when executed. Without this method of verifying the accuracy and completeness of a mandatory directive, train crews might engage in improper, unauthorized, inaccurate, or unsafe train movements leading to increased numbers of accidents/incidents and corresponding casualties and property damage.

Clear communication will not occur if the equipment is not working properly. Without this collection of information and the requirement that each radio and all primary and redundant wireless communication used under § 220.9 and § 220.11 be tested prior to the commencement of the work assignment to ensure proper functioning, FRA would have no way to verify that these tests were completed and no way to know that the equipment works as intended. Malfunctioning radios could lead to improper, unsafe, or unauthorized train movements, which could result in increased numbers of accidents/incidents and greater numbers of train crew and roadway worker injuries and fatalities.

Without this collection of information, FRA would have no means of assuring that railroad employees were properly trained in the use of radios and wireless communications. Such initial training and periodic re-training serve to enhance rail safety by fostering more knowledgeable and better trained railroad employees on their railroads' current operating practices. More knowledgeable and better trained railroad employees will promote reliable, high quality radio communications. These improved communications will help ensure that movement authorities are clearly understood and implemented and will also facilitate the transmission of emergency and security warnings, thereby helping to expedite emergency assistance in the event of a serious accident/incident. The overall net result is likely to be the authorized, appropriate, and safe movement of trains as well as a reduction in the number and severity of rail accidents/incidents and corresponding casualties experienced by train crews, railroad workers, motor vehicle operators, and the traveling public.

In sum, this collection of information assists FRA in fulfilling its primary mission, which is to promote and enhance national rail safety throughout the United States. It also

further the Department's top goal (safety), and fulfills one of the Secretary's prime priorities related to distracted drivers/operators in all public modes of transportation.

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 March 16, 2020, soliciting comment on this particular information collection. See: 85 FR 15020. FRA received no comments pertaining to this collection of information 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.

In the January 3, 2012 Notice of Proposed Rulemaking (NPRM), FRA requested comment on whether railroads should require access to personal cell phone records if the employee was involved in an accident. FRA has decided that a provision mandating that railroads require operating employees to provide access to personal cell phone records in the event of an accident is unnecessary for FRA purposes. As noted in the NPRM, FRA currently uses its investigative authority under 49 U.S.C. 20902 to obtain personal cell phone records, when appropriate. FRA recognizes that there are constitutional concerns regarding the privacy of personal cell phones and, thus, will avail itself of this investigative tool only when FRA has information that improper use of electronic devices may have contributed to or caused an accident.

11. **Justification for any questions of a sensitive nature.**

There are no questions of a sensitive or private nature involving this regulation.

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 ²
220.8 – Waivers petitions	746 railroads	2 petition letters	1 hour	2 hours	\$152
220.13 – Reporting emergencies	<i>The requirements resulting from the provisions of this section are the usual and customary practice as well as the railroad’s legal obligation under “common law.” Consequently, there is no burden associated with these requirements.</i>				
220.21 – Railroad operating rules--radio communications--recordkeeping	<i>The burden hours associated with these requirements are currently approved under paperwork package OMB No. 2130-0035. Consequently, there is no additional or other burden associated with these requirements.</i>				
220.23 – Publication of radio information	<i>Historically, FRA has considered the requirements in this section as falling outside of the scope of the PRA as these usual and customary activities (work practice for the industry) are not considered collections of information under the PRA. Consequently, there is no burden associated with these requirements.</i>				
220.31 – Initiating a radio transmission	<i>The requirements resulting from the provisions of this section are the usual and customary procedure. Consequently, there is no burden associated with these requirements.</i>				
220.33 – Receiving a radio transmission	<i>The requirements resulting from the provisions of this section are the usual and customary procedure. Consequently, there is no burden affiliated with these requirements.</i>				
220.35 – Ending a radio transmission	<i>The requirements resulting from the provisions of this section are the usual and customary procedure. Consequently, there is no burden connected with these requirements.</i>				
220.38 – Communication equipment failure	<i>The requirements resulting from the provision of this section are the usual and customary procedure. Consequently, there is no burden linked to these requirements.</i>				
220.47 – Emergency radio transmissions	<i>The requirements resulting from the provision of this section are the usual and customary procedure. Consequently, there is no burden associated with these requirements.</i>				
220.61(b) – Transmission of mandatory directive	746 railroads	3,800,000 directives	90 seconds	95,000 hours	\$7,220,000
(b)(5) – Marking of fulfilled or canceled mandatory directives	746 railroads	317,000 marks	10 seconds	881 hours	\$66,956
220.302 – Operating rules implementing the requirements of this subpart	<i>Currently, the burden for this requirement is included under that for Part 217 (OMB No. 2130-0035; see section 217.7).</i>				

² The dollar equivalent cost throughout this document is derived from the Surface Transportation Board's Full Year Wage A&B data series using the appropriate employee group hourly wage rate that includes a 75-percent overhead charge.

220.313(a) – Railroad written program of instruction and examination on part 220 requirements	2 new railroads	2 amended written Instruction Programs	1 hour	2 hours	\$152
220.313(c) – Employee training records	746 railroads	2,000 records	30 seconds	17 hours	\$1,292
220.315 – Operational Tests and Inspections	<i>Currently, the burden for this requirement is included under that for Part 217 (OMB No. 2130-0035; see section 217.11) and OMB No. 2130-0579.</i>				
Total	746 railroads	4,119,004 responses	NA	95,902 hours	\$7,288,552

13. Estimate of total annual costs to respondents.

FRA estimates that some respondents may need supplies (such as paper) to comply with this information collection request. FRA estimates one ream of paper (500 sheets) costs approximately \$6.68³. FRA assumes approximately \$3,007, or 450 reams of paper, would be needed for railroads who would not provide electronic responses⁴.

The costs to respondents has decreased from the previously approved submission by \$164,293. The previous cost to respondents was \$167,300.

14. Estimate of Cost to Federal Government.

There is no cost to the Federal Government in connection with these information collection requirements. The carrier records are examined by FRA inspectors on a routine basis as part of their regular enforcement activities that monitor carrier compliance.

15. Explanation of program changes and adjustments.

The current OMB agency inventory for this information collection exhibits a total burden of 293,521 hours and 12,433,554 responses, while the present submission reflects a total burden of 95,902 hours and 4,119,004 responses. Hence, there is a total decrease in burden of *197,619 hours* and *8,314,550 responses* due to adjustments.

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 chart below provides specific information on the review of any that have changed.

³ FRA averaged the costs of a ream of paper based on the price from the most common stores.

⁴ \$6.68 x 450 = \$3,007.

TABLE FOR ADJUSTMENTS

CFR Section/Subject	Total Annual Responses			Total Annual Burden Hours			Notes
	Previous Submission	Current Submission	Difference	Previous Submission	Current Submission	Difference	
220.8 - Waivers petitions	4 petition letters	2 petition letters	-2 petition letters	4 hours	2 hours	-2 hours	<p>Railroads that supply electronic devices are not required to submit a waiver like those that use radio directives. Railroads are using electronic devices more frequently, thus reflecting a decrease in waivers submitted to FRA.</p> <p>Based on FRA’s interpretation of the PRA’s implementing regulations, specifically the definition of “information” within 5 C.F.R. § 1320.3(h), FRA considers training/testing to be an excepted category of information under the PRA.</p> <p>The figures under 220.61(b) and 220.61(b)(5) were revised to 3.8 million and 317,000 responses, thus, reflecting Class 1’s switch from radio transmission to railroad-supplied electronic devices/positive train control (PTC). The industry supplies devices, such as iPad and pad type devices, to their crew members. Thus, the crew members will no longer need to mark the fulfilled or canceled mandatory directives since they can just push a</p>
220.25 – Instruction of employees	91,000 Re-instructed employees	0 Re-instructed employees	-91,000 Re-instructed employees	45,500 hours	0 hours	-45,500 hours	
- Subsequent years	12,540 instructed employees	0 instructed employees	-12,540 instructed employees	2,090 hours	0 hours	-2,090 hours	
- Operational testing of employees	100,000 tests/record	0 tests	-100,000 tests	8,333 hours	0 hours	-8,333 hours	
220.37 – Testing radio/wireless communication equipment	780,000 tests	0 tests	-780,000 tests	3,250 hours	0 hours	-3,250 hours	
220.61(b) – Transmission of mandatory directive	5,760,000 directives	3,800,000 directives	-1,960,000 directives	144,000 hours	95,000 hours	-49,000 hours	
(b)(5) – Marking of	480,000	317,000	-163,000	2,000 hours	881 hours	-1,119	

fulfilled or canceled mandatory directives	marks	marks	marks			hours	button and cancel the directives. As a result of this technological switch, FRA anticipates a reduction in responses since the crew members will no longer need to discuss on the radio to fulfill or cancel mandatory directives.
220.307 – RR Written document stating authorized business purpose for taking video/photo with RR supplied electronic device	5 written documents	0 written documents	-5 written documents	5 hours	0 hours	-5 hours	The railroads have already submitted written documents for approval for their electronic devices. FRA does not anticipate any additional submissions for approval in the next 3 years.
Electronic Device – Safety briefing for use of RR supplied electronic device in cab of controlling locomotive	5,200,000 briefings	0 briefings	-5,200,000 briefings	86,667 hours	0 hours	-86,667 hours	This is a usual and customary procedure for railroads. Consequently, there is no burden associated with it.
220.313(a) – Railroad written program of instruction and examination on part 220 requirements	5 amended written Instruction Programs	2 amended written Instruction Programs	-3 amended written Instruction Programs	5 hours	2 hours	-3 hours	The previous submission for responses were based on the initial figures. Thus, the current figures represent our latest and best estimates.
-Training of RR employees on part 220 requirements	5,000 Trained Employees	0 Trained Employees	-5,000 Trained Employees	1,250 hours	0 hours	-1,250 hours	FRA does not consider training/testing to fall under the PRA based on its interpretation of the definition of “information” within 5 C.F.R. § 1320.3(h).
220.313(c) – Employee training records	5,000 records	2,000 records	-3,000 records	417 hours	17 hours	-400 hours	The figures were revised to 2,000 responses/records to reflect the decrease of overall employment of workers in railroad industry. Additionally, the average time per record were reduced from 5 minutes to 30 seconds.

							The average of time per response/record was reduced because FRA had previously overestimated the burden. In the new estimate, since the industry uses a computer-based training, it will not take as long to record the results. Thus, the current figures represent our latest and best estimates.
Total	12,433,554 responses	4,119,004 responses	-8,314,550 responses	293,521 hours	95,902 hours	-197,619 hours	

Adjustments above decreased the burden by amount to *197,619 hours* and decreased the number of *responses* by *8,314,550*.

16. Publication of results of data collection.

FRA has no plans to publish this information.

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

In this information collection, as in all its information collection activities, FRA seeks to do its very best to fulfill DOT Strategic Goals and to be an integral part of One DOT.

