

1111FEDERAL RAILROAD ADMINISTRATION
Identification of Freight Cars Moved in Accordance with
Title 49 Code of Federal Regulations Part 232.3(d)
SUPPORTING JUSTIFICATION
OMB Control No. 2130-0506

Summary of Submission

- This submission is a request for an extension without change to the last approval granted by OMB on March 19, 2018, which expires on March 31, 2021.
- The Federal Railroad Administration (FRA) published the required 60-day *Federal Register* Notice on September 16, 2018. See 85 FR 57932. FRA received no comments in response to this Notice.
- The total number of burden hours requested for this information collection is 67 hours. The total number of burden hours previously approved by OMB was 67 hours.
- The total number of responses requested for this information collection is 800. The total number of responses previously approved by OMB was 800.
- There is no change in the number of burden hours and burden responses.
- The answer to question number 12 itemizes information collection requirements.

1. Circumstances that make collection of the information necessary.

Background

On October 16, 1970, Congress enacted Public Law 96-458; the Federal Railroad Safety Act of 1970 (which is now positive law at 49 U.S.C. 20103). This Act gave the Secretary of Transportation the authority to prescribe as necessary appropriate rules, regulations, orders, and standards for all areas of railroad safety.

The identification of freight cars that may be moved in accordance with the provisions as set forth in 49 CFR, Part 232.3(d), formerly Interstate Commerce Commission (ICC) Order 13528. The original Order 13528 was issued May 30, 1945, by the ICC and was amended September 30, 1952 (17 FR 8653), October 7, 1952 (17 FR 8957), November 26, 1952 (17 FR 10738), and further amended November 3, 1953 (18 FR 6942). The provisions formerly contained in ICC Order 13528, of May 30, 1945, as amended, now revoked, are now codified in 49 CFR Part 232.3 (Jan. 17, 2001).

Prior to the formulation of Order 13528, the movements of cars without power brakes were handled within the provisions as set forth in the Safety Appliance Acts. These Acts

are binding and, without the benefit of Order 13528, it would be unlawful for any movement of freight equipment not equipped with air brakes from initial terminal locations or through interchange locations.

The card used to indicate that a freight car is being moved in accordance with Order 13528 is usually a carrier bad order form. These forms are readily available from all carrier repair facilities. The purpose of this form is to identify a freight car as being moved legally within the scope of Order 13528; otherwise, exception would be taken and the car would be set out of the train and not delivered.

Order 13528 sets forth specific restrictions that railroads must comply with when it is deemed necessary to move equipment by this Order. The information mandated to be recorded is specified in Part 232.3(d). This Part requires that cars be properly identified by a card—signed by shippers stating that such movement is being made under authority of this Order-- which must be attached to each side of the car. Order 13528 does not require that cards or tags be retained. When a car bearing tags for movement under Order 13528 arrives at its destination, the tags are simply removed.

It is necessary to place a tag on each side of the equipment because there are railroad locations where only one side of the train is visible while entering the yard. Therefore, if only one tag is applied, it could be missed and the equipment could continue en route beyond the destination, causing safety and other problems, including additional expense to the shipper.

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

This is an extension without change to a current collection of information associated with FRA's Part 232.3(d) (formerly Order 13528). The information collected is used by railroad employees to ensure that cars moved in accordance with Part 232.3(d) arrive at the correct destination. These records are not maintained for the purpose of information collection per se. It is imperative that rolling stock being moved under this Order be properly tagged so that it may be readily observed and identified. If this tagging process were not complied with, freight cars/equipment without power brakes could possibly be put in service, causing injury to railroad workers and perhaps members of the public. Also, if this tagging process were not complied with, the affected freight equipment might be removed from the train during subsequent en route inspections. Thus, the tags serve both to enhance railroad employees' safety and reduce expenses to the railroads when rolling stock is moved to designated locations.

At the destination, the tags are removed. FRA does not have a retention requirement.

3. Extent of automated information collection.

FRA highly encourages the use of advanced information technology wherever possible to

reduce burden on respondents. However, in consideration of the specific use of these tags, FRA believes the current practice best ensures that freight cars without power brakes will not inadvertently be put into service and, furthermore, will reach their assigned locations as scheduled. As a matter of safety and efficient movement of trains, it is critical that this special equipment be marked in such a way that it is clearly visible to railroad workers on both sides of the car. Tags are an effective and inexpensive means to accomplish this goal.

4. Efforts to identify duplication.

There is no known duplication concerning this method of identifying special equipment. The tags are placed on the car when it is placed in a train and are removed at the designated destination point. There is no retention requirement for these tags.

No other similar information is available. These tags are used en route for the sole purpose of properly identifying special equipment so that it may reach its designated location.

5. Efforts to minimize the burden on small businesses.

As noted previously, these tags are not used for the purpose of information collection per se, and are only used by railroads. They involve small businesses (i.e, small railroads) very little, if at all. It should be noted that the impact on all railroads, primarily large ones, is already minimal, since all that is required is filling out cards or tags and placing them on the special equipment.

Again, it should be noted that the estimated burden for this information collection is extremely minimal, since only a small number of cars is moved each year under this provision.

6. Impact of less frequent collection of information.

If this information collection were not conducted, or were conducted less frequently, the safety of railroad workers might be seriously jeopardized because special equipment would not be appropriately marked and readily visible. As a result, railroad workers would not know the appropriate actions to take, the necessary procedures to follow, or the proper destination for cars moved under this Order. Therefore, they might then put freight cars without power brakes into service, which could lead to an increased number of accidents/incidents and injuries to these railroad workers. Additionally, railroads would incur increased business expenses if this special equipment were not marked and then mistakenly sent to undesignated/improper destinations.

This collection of information assists FRA in its main mission, which is to promote and enhance rail safety throughout the United States.

7. Special circumstances.

All information collection requirements are in full compliance with this section.

It should be noted that this is not a routine collection of information or reporting requirement. The requirement must be performed only when the carrier has a need to move equipment under the provisions set forth by 49 CFR Part 232.3(d) (which codified ICC Order 13528).

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 September 16, 2020, soliciting comment on this particular information collection.¹ 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 provided or gifts made to respondents in connection with this information collection.

10. Assurance of confidentiality.

This is not an information collection per se, and no confidentiality is promised/implied to any respondent. The information is not of a sensitive or confidential nature.

11. Justification for any questions of a sensitive nature.

There is no information of a sensitive nature or data that would normally be considered private contained in this information collection. Specifically, the reporting/recordkeeping requirement pertains solely to railroad cars and does not involve information of a personal nature.

12. Estimate of burden hours for information collected.

The estimates for the respondent universe, annual responses, and average time per responses are based on the experience and expertise of FRA's Office of Railroad Infrastructure and Mechanical Equipment.

FRA is including the dollar equivalent cost for each of the itemized hours below using STB's Full-Year Wage A&B data series as the basis for each cost calculation. For

¹ 85 FR 57932.

maintenance of equipment employees, the hourly wage rate is \$58 per hour (\$33.37 times 1.75 = \$58).

§ 232.3(d) Identification of Cars Moved in Accordance with 49 CFR 232.3(d) (Formerly Order 13528)

The provisions formerly contained in Interstate Commerce Commission Order 13528 of May 30, 1945, as amended, now revoked, are codified in this paragraph. This part is not applicable to the following equipment: (1) Scale test weight cars; (2) Locomotive cranes, steam shovels, pile drivers, and machines of similar construction, and maintenance machines built prior to September 21, 1945; (3) Export, industrial, and other cars not owned by a railroad which are not to be used in service except for movement as shipments on their own wheels to given destinations. Such cars shall be properly identified by a card attached to each side of the car, signed by the shipper, stating that such movement is being made under authority of this paragraph; (4) Industrial and other than railroad-owned cars which are not to be used in service except for movement within the limits of a single switching district (i.e., within the limits of an industrial facility); (5) Narrow-gauge cars, and (6) Cars used exclusively in switching operations and not used in train movements within the meaning of the Federal safety appliance laws (49 U.S.C. 20301-20306).

This requirement/record comes into play only when a railroad finds it necessary to move equipment as specified above. FRA estimates that approximately 400 cars per year are moved under this Order. As stipulated above, equipment must be tagged on both sides. FRA estimates that it takes approximately five minutes to record the necessary information on each tag and attach the tags to the equipment. There is no retention requirement relative to the tags at destination.

Respondent Universe:	765 railroads
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	800 tags
Annual Burden:	67 hours
Annual Cost:	\$3,886 (\$58 x 67 hours)

Calculation: 800 tags x 5 minute = 67 hours

Total annual burden for this entire information collection is 67 hours.

13. Estimate of total annual costs to respondents.

\$40.00 = Printing of 800 tags at approximately \$.05 cents each.

14. Estimate of Cost to Federal Government.

There is no cost to the Federal Government in connection with the tagging of equipment moved under Order 13528. Carriers are examined on a somewhat routine basis in conjunction with regular enforcement activities that monitor their compliance with inspection and testing requirements.

15. Explanation of program changes and adjustments.

FRA believes that the burden hour estimates and burden response estimates that it previously submitted remain valid. Therefore, there are no program changes or adjustments at this time.

The total burden requested for this collection of information is 67 hours and the total number of responses requested is 800. The total burden previously approved was 67 hours and the total number of responses previously approved was 800. Hence, nothing has changed.

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

16. Publication of results of data collection.

This is not an information collection activity per se, and the agency does not intend to publish anything in connection with the requirements of § 215.103.

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.

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