

11FEDERAL RAILROAD ADMINISTRATION
Railroad Workplace Safety
(49 CFR Part 214)
SUPPORTING JUSTIFICATION
RIN 2130-AC78; OMB No. 2130-0539

Summary of Submission

- This submission is a revision to the last approved submission pertaining to Part 243 that was approved by OMB on November 14, 2019 and which expires November 30, 2022.
- FRA is publishing a Notice of Proposed Rulemaking revising Part 232 titled Railroad Workplace Safety in the Federal Register. in the Federal Register on Month Day, Year. See 85 FR 79973. FRA plans to respond to any comments received in response to the NPRM in the final rule.
- Total number of burden previously approved by OMB for this collection is 6,359 hours and total number of responses previously approved is 106,482.
- Total number of burden hours requested is 5,619 hours and the total number of responses requested is 105,751.
- The total burden for this collection has decreased by 731 hours and by 740 responses.
- Program change increased by 1 hour and by 10 responses.
- Adjustments decreased by 741 hours and by 741 responses.
- The answer to question number 12 itemizes information collection requirement.
- The answer to question number 15 itemizes all adjustments.

1. Circumstances that make collection of the information necessary.

Background

The Federal Railroad Safety Act of 1970, as codified at 49 U.S.C. 20103, provides that, "[t]he Secretary of Transportation, as necessary, shall prescribe regulations and issue orders for every area of railroad safety supplementing laws and regulations in effect on October 16, 1970". The Secretary's responsibility under this provision and the balance of the railroad safety laws have been delegated to the Federal Railroad Administrator (FRA). 49 CFR 1.49(m). In the field of railroad workplace safety, FRA has traditionally

pursued a very conservative course of regulation, relying upon the industry to implement suitable railroad safety rules and mandating in the broadest of ways that employees be “instructed” in the requirements of those rules and that railroads create and administer programs of operational tests and inspections to verify rules compliance. This approach is based on several factors, including recognition of the strong interest of railroads in avoiding costly accidents and personal injuries, the limited resources available to FRA to directly enforce railroad safety rules, and the apparent success of management and employees in accomplishing most work in a safe manner.

Over the years, however, it became necessary to codify certain requirements, either to remedy perceived shortcomings in the railroads' rules to emphasize the importance of compliance, or to provide FRA a more direct means of promoting compliance. On December 16, 1996, FRA amended Part 214 and Subpart C, Roadway Worker Protection (RWP), was added to require that each railroad adopt an on-track safety program to protect employees working on or around railroad track from the hazards of being struck by a train or other on-track equipment.¹ Part 214 was further revised on July 28, 2003, by adding a new subpart prescribing safety standards for railroad on-track roadway maintenance machines and hi-rail vehicles.²

On November 25, 2009, FRA issued a notice of proposed rulemaking and proposed amendments to Part 214 that would require the railroads to adopt specified on-track safety procedures to protect certain roadway work groups from the movement of trains or other on-track equipment on “adjacent controlled track.”³ The final rule was published on November 30, 2011.⁴ Two additional final rules were published on March 8, 2012, and then June 5, 2013, which delayed the effective date of the original rule. As a result, the rule became final on July 1, 2014.⁵

On June 10, 2016, FRA amended its RWP regulation to resolve interpretative issues that had arisen since the 1996 promulgation of that rule.⁶ The final rule also deleted three outdated incorporations by reference of industry standards in FRA’s Bridge Worker Safety Standards, and added cross references to the Occupational Safety and Health Administration’s regulations on the same point.

In this NPRM, FRA is proposing to revise its regulations governing railroad workplace safety to: allow for the use of alternative security standards for electronic display systems used to view track authority information for roadway worker safety, and exempt certain drone roadway maintenance machines from existing environmental control requirements.

¹ 61 FR 65959.

² 68 FR 44388.

³ 74 FR 61633.

⁴ 76 FR 74585.

⁵ 77 FR 13978.

⁶ 81 FR 37840.

These proposals would reduce regulatory burdens on the railroad industry while maintaining the existing level of safety.

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. Specifically, FRA is proposing to revise its regulations governing railroad workplace safety. For instance, each drone roadway maintenance machine must be clearly identified by stenciling, marking, or other written notice in a conspicuous location on the machine indicating the potential hazards of the machine being operated from a distance or that the machine may move automatically.

Additionally, the information required under § 214.336 will be used by roadway work groups to ensure that its members are properly notified in sufficient time to move to places of safety when a train or other on-track equipment is authorized to move on adjacent track at various legal speeds in accordance with the railroad's procedures for adjacent-controlled track movements over 25 miles-per-hour. The required on-track safety must be established through working limits or train approach warning provided by watchmen/lookout warnings and by notifications and communications prescribed in this section. Working limits must not be released until all affected roadway workers have either left the track or have been afforded on-track safety through train approach warning in accordance with § 214.329.

Under § 214.307, the information collected is used by FRA to ensure that each railroad adopts and implements the required on-track safety program that will afford on-track safety to all roadway worker whose duties are performed on that railroad. Each such program – and any amendments to that program – must provide for the level of safety specified in this subpart. When railroads determine that it is necessary to revise their on-track safety program, FRA reviews these program amendments to determine that the required level of safety is maintained.

Under §§ 214.343/345/347/349/353/355, FRA uses the required written records regarding roadway worker qualifications to assist its investigators after an accident or incident resulting in roadway worker casualties. These records are required to contain the type of qualification attained by each roadway worker and the most recent date of qualification. By examining these and other records, FRA can determine whether or not appropriate personnel received necessary training and followed the required on-track safety procedures.

Under § 214.503, the information collected is used by railroad workers to improve safety and prevent accidents and casualties caused by the operation of on-track roadway maintenance machines and hi-rail vehicles. Employees operating on-track roadway maintenance machines are required to notify their employer whenever they make a good

faith determination that the machines do not comply with FRA regulations. For their part, employers must have in place and follow written procedures to assure prompt and equitable resolution of these challenges resulting from the good faith determination made by employees.

Under § 214.505, employers are required to maintain a list of new and designated roadway maintenance machines that are equipped with enclosed cabs with operative heating systems, operative air conditioning systems, and operative positive pressurized ventilation systems. The list determines employer responsibilities related to environmental control and protection systems for new and existing on-track roadway maintenance machines with enclosed cabs. New on-track roadway maintenance machines and existing on-track roadway maintenance machines specifically designated by the employer (of the types identified in paragraphs (a)(1) through (a)(5) of this section or functionally equivalent thereto) must be capable of protecting employees in the cabs of the machines from exposure to air contaminants, in accordance with 29 CFR 1910.1000.

Under § 214.511, audible warning devices are required on new on-track roadway maintenance machines. The triggering mechanism for this audible warning device must be clearly identifiable and within easy reach of the machine operator. Additionally, each existing on-track maintenance machine must be equipped with a permanent or audible warning device that produces a sound loud enough to be heard by roadway workers and other machine operators within the immediate work area.

The information collected under § 214.515 serves to further enhance roadway workers' safety because their employers are required to evaluate the feasibility of providing an overhead cover for existing on-track roadway maintenance machines, if requested in writing by the operator assigned to operate that machine or by the operator's designated representative. The employer must provide a written response for each request within 60 days.

Under § 214.517, each existing on-track roadway maintenance machines must have stenciling or documentation on the machine identifying the light weight of the machine clearly displayed on it, and also the location of safe and secure positions for the machine operator and roadway workers to be transported on the machine. Thus, the displayed light weight identifies the machine's proper category and provides essential information to crane operators in the event the machine is lifted on to or loaded off a flat bed truck or rail car for movement from one work site to another. If roadway workers are not permitted on the machine, the prohibition must be noted by the stenciling or documentation on the machine.

Under § 214.523, the operator of a high-rail vehicle must check the vehicle for compliance with this subpart, prior to using the vehicle at the start of the operator's work shift. Non-complying conditions that cannot be immediately repaired must be tagged and

dated in a manner determined by the employer and reported to the designated official.

FRA also uses the information collected under § 214.523. Specifically, FRA uses the records required regarding mandatory hi-rail vehicle annual safety inspections to ensure that the safety critical components of these vehicles are adequately maintained and, if necessary, promptly repaired or replaced.

Under § 214.527, the operator of an on-track roadway maintenance machine must check the machine components for compliance with this subpart, prior to using the machine at the start of the operator's work shift. Any non-complying condition that cannot be repaired immediately must be tagged and dated in a manner prescribed by the employer and reported to the designated official.

Under § 214.533, the records may be kept on the on-track roadway maintenance machine or hi-rail vehicle or at a location designated by the employer.

Finally, FRA inspectors of all five rail safety disciplines use the violation report form (FRA F 6180.119) to cite any violations of the part 214 regulations and to recommend civil penalties for serious infractions to promote and maintain rail safety.

3. Extent of automated information collection.

In keeping with the requirements of the Paperwork Reduction Act (PRA) and the Government Paperwork Elimination Act, FRA has strongly supported and highly encouraged the use of advanced information technology, including electronic recordkeeping, to reduce burden on respondents, wherever possible, for many years. In reference to the requirements involving Subpart D, FRA has explicitly provided railroads the option of maintaining the required records electronically. For example, under § 214.307, each railroad to which this Part applies is authorized to retain its on-track safety program by electronic recordkeeping in accordance with §§ 217.9 (g) and 217.11(c) of this Subchapter.

Under § 214.505, railroads are required to maintain a roster of machinery that falls under FRA's jurisdiction for purposes of this regulation. The roster may be maintained on paper or electronically, but it must be accessible and available to FRA, Occupational Safety and Health Administration (OSHA), and other Federal, as well as State, agencies so that inspectors may determine which agency has responsibility for inspection of which machines and for enforcement of respiratory safety regulations relating to each roadway maintenance machine.

Under § 214.523, compliance records pertaining to hi-rail vehicle annual safety inspections may be kept electronically. The employer must maintain the record of the last inspection of each vehicle until the next inspection is performed.

Under § 214.533, roadway maintenance machine or new hi-rail vehicle records pertaining to compliance with the schedule of repairs may be kept electronically. Moreover, the train dispatcher or control operator in charge of the track may record by electronic means all authorities issued to establish exclusive track occupancy. Each employer may also use electronic recordkeeping to maintain the required records of each roadway worker's current qualification. FRA has provided the option then of using electronic record keeping wherever feasible.

Finally, Form FRA F 6180.119 is used within FRA's Railroad Inspection System for the Personal Computer (RISPIC system) by agency and state safety inspectors. As a result, the top one-third of the form is automatically filled-in or auto-populated once the inspector fills out the inspection report (Form FRA F 6180.96). This serves to reduce the time necessary to complete the entire form.

4. Efforts to identify duplication.

To our knowledge, this information is not duplicated anywhere. Similar data is 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.

"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.⁷

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.⁸

⁷ Size Eligibility Provisions and Standards, 13 CFR part 121, subpart A.

⁸ 68 FR 24891 (May 9, 2003) (codified at appendix C to 49 CFR part 209).

¹The \$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 \$39.2 million or less.⁹

This proposed rule directly affects all railroads on the general system, and FRA estimates that approximately 93 percent of these railroads are small entities. Therefore, FRA has determined that this proposed rule will have an impact on a substantial number of small entities.

This proposed rule would be applicable to all railroads and regulated entities, although not all changes would be relevant to all entities. Based on the railroads that are required to report accident/incidents to FRA under part 225, FRA estimates there are approximately 752 Class III railroads, with 714 of them operating on the general system. These are of varying size, with some a part of larger holding companies. The industry trade organization representing small railroads, the American Short Line and Regional Railroad Association (ASLRRA), reports the average freight revenue per Class III railroad is \$4.8 million. FRA prepared an Initial Regulatory Flexibility Analysis to discuss the potential impact to small businesses, which can be found in the NPRM.

However, FRA has determined that the impact on entities affected by the proposed rule will not be significant. The effect of the proposed rule will be to allow railroads the flexibility to choose the optimal electronic display equipment currently in the market, with the required level of security without having to notify or seek approval from FRA. Further, equipment manufacturers will no longer need to seek FRA approval to remove operator control stations to a remote piece of equipment, consistent with the established safety of a longstanding waiver. FRA expects the impact of the proposed rule will be a reduction in the paperwork burden for railroads and manufacturers, as well as future benefits from allowing continually advancing security standards to be incorporated without a regulatory change. FRA asserts that the economic impact of the reduction in paperwork, if any, will be minimal and entirely beneficial to small railroads.

Accordingly, the FRA Administrator hereby certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities. FRA invites comment from members of the public who believe there will be a significant impact on small railroads.

6. Impact of less frequent collection of information.

If this collection were not conducted or if this collection were conducted less frequently,

⁹ The Class III revenue threshold is \$39,194,876 or less, last updated in 2018. (The Class II threshold is between \$39,194,876 and \$489,935,956; and the Class I threshold is \$489,935,956 or more.)

the risk of injury or death to those working on or about railway tracks would be much greater. Without the requirements stipulated under § 214.336, roadway workers would not know the precise procedures and practices that they must follow for track movements by trains or other on-track equipment operating at speeds both above and below 25 miles per hour. Without the specified watchmen/lookout warnings, notifications, and communications, affected roadway workers would not know when they must stop work and occupy a predetermined place of safety. Also, without this information, roadway workers might not be properly notified in sufficient time to move to places of safety when a train or other on-track equipment is authorized to move on adjacent track at various legal speeds.

Without the requirement that employers maintain a list of new and designated roadway maintenance machines that are enclosed with cabs with operative heating systems, operative air conditioning systems, and operative ventilation systems, FRA and other Federal and State inspectors would not be able to use these rosters to determine which agency has the responsibility for inspection and enforcement of respiratory safety regulations for each roadway machine. Furthermore, without the provision that the triggering mechanism of audible warning devices required on new on-track roadway maintenance machines be clearly identifiable and within easy reach of the machine operator, more railway workers might be injured or killed because they did not know where the mechanism was in a critical situation and were not able to sound it in time.

Without the requirement that employers will now have to evaluate the feasibility of providing an overhead cover for existing on-track roadway maintenance machines if requested in writing by the operator assigned to a particular machine or by the operator's representative, the safety and health of railroad workers would be at increased risk. Employers are now required to provide a written response within 60 days, and have to include an explanation of the reasoning used if it is determined that an overhead cover is not feasible. Unless employers have a valid reason, they cannot deny roadway workers essential equipment. Covers or canopies provide protection from blinding sun and from inclement weather, such as rain, sleet, hail, and snow, and thus serve to improve roadway worker visibility.

Additionally, each employer must maintain written or electronic records of each roadway worker's current qualifications, and make these records available to FRA for inspection and copying upon request.

Finally, without Form FRA F 6180.119, FRA would not have a mechanism to cite serious individual or corporate violations of part 214 that it could use to recommend civil penalties. In summary, the net result of not collecting this information or collecting it less frequently would be to permit a more dangerous rail environment for roadway workers.

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 11, 2020**, titled Roadway Workplace Safety soliciting comments on the proposed rule and its accompanying information collection requirements from the regulated community, the general public, and interested parties.¹⁰ 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 rulemaking.

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.**

No sensitive information is requested.

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

The PRA estimates for the respondent universe, annual responses, and average time per responses are based on the experience and expertise of FRA's Rail Integrity Division.

FRA is also including the dollar equivalent cost for each of the itemized hours below using the Surface Transportation Board's (STB) Full-Year Wage A&B data series as the basis for each cost calculation. For Executives, Officials, and Staff Assistants, this cost amounts to \$115 per hour. For Professional/Administrative staff, this cost amounts to \$76 per hour. For Maintenance of Way and Structure employees, this cost amounts to \$57 per hour. For Maintenance of Equipment and Stores employees, this cost amounts to \$57 per hour. For Transportation other than Train and Engine employees, this cost amounts to \$68 per hour. For Transportation Train and Engine employees, this cost amounts to \$58 per hour. All cost estimates include 75% overhead.

¹⁰ 85 FR79973.

Form FRA F 6180. 119 - Part 214 Railroad Workplace Safety Violation Report Form

As part of their responsibilities, FRA Federal and State inspectors enforce compliance with part 214. In order to do this, they obtain information from the railroads and railroad workers. Violations of workplace safety are reported on the above form. FRA estimates that approximately 129 of these forms will be completed each year by State inspectors. It is estimated that it will take approximately four (4) hours to complete each violation report form.

Respondents Universe:	350 Safety Inspectors
Burden time per response:	4 hours
Frequency of Response:	On occasion
Annual Number of responses:	129 report forms
Total Annual Burden:	516 hours
Annual Cost:	\$29,412 (516 hrs. x \$76 p/hr.)

Calculation: 129 report forms x 4 hours = 516 hours

On-track Safety Programs (§ 214.307)

(a) Each railroad subject to this Part shall maintain and have in effect an on-track safety program which complies with the requirements of this subpart. New railroads must have an on-track safety program in effect by the date on which operations commence. The on-track safety program shall be retained at a railroad's system headquarters and division headquarters, and shall be made available to representatives of the FRA for inspection and copying during normal business hours. Each railroad to which this Part applies is authorized to retain its program by electronic recordkeeping in accordance with §§ 217.9(g) and 217.11(c) of this Subchapter.

FRA estimates that approximately 276 on-track safety programs which comply with the requirements of this Subpart will be developed/revised and approximately 325 on-track safety program copies will be retained by railroads under the above requirement. It is estimated that it will take approximately two (2) hours to develop each on-track safety program and approximately two (2) minutes to retain the on-track safety program at the railroad's system headquarters and division headquarters.

Respondents Universe:	741 Railroads
Burden time per response:	2 hours + 2 minutes
Frequency of Response:	On occasion
Annual Number of responses:	276 new/revised on-track safety programs + 325 on-track safety program copies
Total Annual Year Burden:	563 hours

Annual Cost: \$42,788 (563 hrs. x \$76 p/hr.)

Calculation: 276 new/revised on-track safety programs x 2 hrs. + 325 on-track safety programs copies x 2 min. = 563 hours

(b) Each railroad shall notify, in writing, the Associate Administrator for Safety, and Chief Safety Officer, Federal Railroad Administration, RRS-15, 1200 New Jersey Avenue, SE, Washington, DC 20590, not less than one month before its on-track safety program becomes effective. The notification shall include the effective date of the program and the name, title, address and telephone number of the primary person to be contacted with regard to review of the program. This notification procedure shall also apply to subsequent changes to a railroad's on-track safety program.

FRA estimates that approximately 276 notifications will be sent to the FRA Associate Administrator for Safety by railroads under the above requirement. It is estimated that it will take approximately 20 minutes to complete each notification and send it to FRA.

Respondents Universe:	741 Railroads
Burden time per response:	20 minutes
Frequency of Response:	On occasion
Annual Number of responses:	276 notifications
Total Annual Burden:	92 hours
Annual Cost:	\$6,922 (92 hrs. x \$76 p/hr.)

Calculation: 276 notifications x 20 min. = 92 hours

(c) Upon review of a railroad's on-track safety program, the FRA Associate Administrator for Railroad Safety and Chief Safety Officer may, for cause stated, disapprove the program. Notification of such disapproval shall be made in writing and specify the basis for the disapproval decision.

FRA estimates that approximately one (1) on-track safety programs will be disapproved by the FRA Associate Administrator for Safety/Chief Safety Officer and will need to be amended under the above requirement. It is estimated that it will take approximately four (4) hours to amend each on-track safety program and send it to FRA.

Respondents Universe:	741 Railroads
Burden time per response:	4 hours
Frequency of Response:	On occasion
Annual Number of responses:	1 amended on-track safety program
Total Annual Burden	4 hours
Annual Cost:	\$304 (4 hrs. x \$76 p/hr.)

Calculation: 1 amended on-track safety program x
4 hrs. = 4hours

Additionally, FRA estimates that approximately one (1) written response in support of their programs will be submitted by railroads to the FRA Associate Administrator for Safety/Chief Safety Officer under the above requirement. It is estimated that it will take each railroad approximately 20 hours to complete the written response in support of its program and send it to FRA.

Respondents Universe:	741 Railroads
Burden time per response:	40 hours
Frequency of Response:	On occasion
Annual Number of responses:	1 written response
Total Annual Burden	20 hours
Annual Cost:	\$1,520 (20 hrs. x \$76 p/hr.)

Calculation: 1 written responses x 20 hrs. = 20 hours

Total annual burden for this entire requirement is 679 hours (563 + 92 + 4 + 20).

On-Track Safety Manual (§ 214.309)

(a) The applicable on track safety manual (as defined by § 214.7) shall be readily available to all roadway workers. Each roadway worker in charge responsible for the on-track safety of others, and each lone worker, shall be provided with and shall maintain a copy of the on-track safety manual.

Railroads are already doing this. It is a usual and customary procedure for them. Consequently, there is no burden associated with this requirement.

(b) When it is impracticable for the on-track safety manual to be readily available to a lone worker, the employer shall establish provisions for such worker to have alternative access to the information in the manual.

Railroads have fulfilled this requirement. Consequently, there is no burden associated with this requirement.

(c) Changes to the on-track safety manual may be temporarily published in bulletins or notices. Such publications shall be retained along with the on-track safety manual until fully incorporated into the manual.

FRA estimates that approximately 100 bulletins or notices relaying changes to the on-track safety manual will be published under the above requirement. It is estimated that it

will take approximately 60 minutes to complete each bulletin/notice and provide it to affected roadway workers.

Respondents Universe:	60 Railroads
Burden time per response:	60 minutes
Frequency of Response:	On occasion
Annual Number of responses:	100 bulletins/notices
Total Annual Burden:	100 hours
Annual Cost:	\$7,600 (100 hrs. x \$76 p/hr.)

Calculation: 100 bulletins/notices x 60 min. =
100 hours

Total annual burden for this entire requirement is 100 hours.

Written Procedure for Resolution of Challenges Made to On-Track Safety Procedures (§ 214.311)

Each employer must have in place a written procedure to achieve prompt and equitable resolution of challenges made in accordance with §§ 214.311(b) and 214.313(d)). These procedures will be written and become part of the on-track safety program.

Any burden associated with the above information collection requirements has been included in the earlier one-time burden associated with the development of the roadway worker safety program, or is included in the burden below which accounts for new railroads that come into operation.

FRA estimates that approximately five (5) new railroads will come into operation each year and thus five (5) new on-track safety programs with the required written procedure will be developed by railroads under the above requirements. These railroads will no longer be required to submit their plans to FRA, but only show them upon request of a FRA representative. Also, FRA estimates that these new railroads will be short line railroads, and will use the generic plan developed by the ASLRRRA and modify it accordingly. It is estimated that it will take each new short line railroad approximately two (2) hours to modify the generic plan.

Respondents Universe:	5 New Railroads
Burden time per response:	2 hours
Frequency of Response:	One-time
Annual Number of responses:	5 on-track safety programs
Total Annual Burden:	10 hours
Annual Cost:	\$760 (10 hrs. x \$76 p/hr.)

Calculation: 5 on-track safety programs x 2 hrs. = 10 hours

Responsibility of Individual Roadway Workers (§ 214.313)

Each roadway worker may refuse any directive to violate an on-track safety rule, and must inform the employer in accordance with § 214.311 whenever the roadway worker makes a good faith determination that on-track safety provisions to be applied at the job location do not comply with the rules of the operating railroad.

There is no record required under this provision. Consequently, there is no burden associated with it.

Supervision and Communication (§ § 214.315; 214.335)

(a) When an employer assigns a duty to a roadway worker that calls for that employee to foul a track, the employer must provide the employee with an on-track safety job briefing that, at a minimum, includes the following: (1) Information on the means by which on-track safety is to be provided for each track identified to be fouled; ... (e) Each lone worker shall communicate at the beginning of each duty period with a supervisor or another designated employee to receive an on-track safety job briefing and to advise of his or her planned itinerary and the procedures that he or she intends to use for on-track safety. When communication channels are disabled, the job briefing must be conducted as soon as possible after the beginning of the work period when communications are restored.

Job briefings are a usual and customary practice. Consequently, there is no burden associated with this requirement.

On-Track Safety Procedures, Generally (§ 214.317)

(a) Each employer subject to the provisions of this Part shall provide on-track safety for roadway workers by adopting a program that contains specific rules for protecting roadway workers that comply with the provisions of §§214.319 through 214.337.

The burden for on-track safety programs is included under that of §214.307 above. Consequently, there is no additional burden associated with this requirement.

(b)(1) Employers shall adopt, and roadway workers shall comply with, applicable railroad safety rules governing how to determine that it is safe to cross the track before starting across; [Note: Railroads are already doing this. It is part of their usual and customary procedure. Consequently, there is no burden associated with this requirement.]

(c) On non-controlled track, on-track roadway maintenance machines engaged in weed spraying or snow removal may proceed under the provisions of § 214.301(c), under the following conditions: (1) Each railroad must establish and comply with an operating procedure for on-track snow removal and weed spray equipment to ensure that: (i) All on-track movements in the affected area are informed of such operations... (iv) Remotely controlled hump yard facility operations are not in effect, and kicking of cars is prohibited unless agreed to by the roadway worker in charge.

About five (5) new railroads regarding an operating procedure for snow removal and weed spray equipment. Thus, FRA estimates that approximately five (5) operating procedures for on-track snow removal and weed spray equipment on non-controlled track will be developed/established under the above requirement. It is estimated that it will take approximately two (2) hours to develop each operating procedure.

Respondents Universe:	5 Railroads
Burden time per response:	2 hours
Frequency of Response:	On occasion
Annual Number of responses:	5 snow removal operating procedures
Total Annual Burden:	10 hours
Annual Cost:	\$760 (10 hrs. x \$76 p/hr.)

Calculation: 5 snow removal operating procedures x 60 min. = 10 hours

(d)(1) Such niches or clearing bays are visually inspected by the roadway worker in charge or lone worker prior to making the determination that the niche or clearing bay is suitable for use as a place of safety

This is the usual and customary procedure. Consequently, there is no burden associated with this requirement.

(d)(3) The roadway worker in charge or lone worker shall have the absolute right to designate a place of safety as a location other than that of a tunnel niche or clearing bay described by this paragraph, or to establish working limits.

This is the usual and customary procedure. Consequently, there is no burden associated with this requirement.

Total annual burden for this entire requirement is 10 hours.

Locomotive Servicing and Car Shop Repair Track Areas (§ 214.318)

(a) In lieu of the requirements of this Subpart, workers (as defined by § 218.5 of this Chapter) within the limits of locomotive servicing and car shop repair track areas (as both defined by § 218.5 of this Chapter) may utilize procedures established by a railroad in accordance with Subpart B of Part 218 of this Chapter (Blue Signal Protection) to perform duties incidental to inspecting, testing, servicing, or repairing rolling equipment when those incidental duties involve fouling a track that is protected by Blue Signal Protection. A railroad utilizing Blue Signal Protection in lieu of the requirements of this Subpart must have rules in effect governing the applicability of those protections to the incidental duties being performed.

FRA estimates that approximately 19 railroads will develop and have in effect rules governing the applicability of Subpart B of Part 218. It is estimated that it will take approximately two (2) hours to develop the required rules.

Respondents Universe:	741 Railroads
Burden time per response:	2 hours
Frequency of Response:	On occasion
Annual Number of responses:	19 railroad rules
Total Annual Burden	38 hours
Annual Cost:	\$2,888 (38 hrs. x \$76 p/hr.)
<u>Calculation:</u>	19 railroad rules x 2 hrs. = 38 hours

Working Limits, Generally (214.319)

Working limits established on controlled track shall conform to the provisions of §214.321 Exclusive track occupancy, § 214.323 Foul time, or § 214.325 Train coordination. Working limits established on non-controlled track shall conform to the provision of § 214.327 Inaccessible track.

Notification of all affected roadway workers is the usual and customary procedure carried out by railroads as part of their normal operations. Consequently, there is no additional burden associated with this requirement.

(b) Each Class I or Class II railroad or each railroad providing regularly scheduled intercity or commuter rail passenger transportation that utilizes controlled track working limits as a form of on-track safety (under §§214.321- §214.323) in signalized territory shall:

(1) By July 1, 2017, evaluate its on-track safety program and identify an appropriate method(s) of providing redundant signal protections for roadway work groups who

depend on a train dispatcher or control operator to provide signal protection in establishing controlled track working limits.

This requirement has already been fulfilled by railroads. Consequently, there is no burden associated with it.

(2) By January 1, 2018, specifically identify, implement, and comply with the method(s) of providing redundant protections in its on-track safety program.

This requirement has already been fulfilled by railroads. Consequently, there is no burden associated with it.

(c) Upon a railroad's request, FRA will consider an exemption from the requirements of paragraph (b) of this section for each segment of track(s) for which operations are governed by a positive train control system under Part 236, subpart I of this Chapter. A request for approval to exempt a segment of track must be submitted in writing to the FRA Associate Administrator for Railroad Safety and Chief Safety Officer. The FRA Associate Administrator for Railroad Safety and Chief Safety Officer will review a railroad's submission and will notify a railroad of its approval or disapproval in writing within 90 days of FRA's receipt of a railroad's written request, and shall specify the basis for any disapproval decision.

FRA estimates that approximately that there will be zero (0) requests sent to FRA under the above requirement. Consequently, there is no burden associated with it.

Roadway Maintenance Machine Movements Over Signalized Non-Controlled Track (§ 214.320)

Working limits must be established for roadway maintenance machine movements on non-controlled track equipped with automatic block signal systems over which trains are permitted to exceed restricted speed (for purposes of this section, on-track movements prepared to stop within one-half the range of vision but not exceeding 25 mph). This section applies unless the railroad's operating rules protect the movements of roadway maintenance machines in a manner equivalent to that provided for by limiting all train and locomotive movements to restricted speed, and such equivalent level of protection is first approved in writing by FRA's Associate Administrator for Railroad Safety and Chief Safety Officer

FRA estimates that approximately five (5) requests for approval of railroad operating rules providing an equivalent level of protection to that of working limits will be submitted to the FRA Associate Administrator for Safety/Chief Safety Officer under the above requirement. It is estimated that it will take approximately four (4) hours to complete each request for approval and send it to FRA.

Respondents Universe:	741 Railroads
Burden time per response:	4 hours
Frequency of Response:	On occasion
Annual Number of responses:	5 approval requests
Total Annual Burden	20 hours
Annual Cost:	\$1,520 (20 hrs. x \$76 p/hr.)

Calculation: 5 approval requests x 4 hrs. = 20 hours

Exclusive Track Occupancy - Working Limits (§ 214.321)

An authority for exclusive track occupancy given to the roadway worker in charge of the working limits must be transmitted on a written or printed document directly, by relay through a designated employee, in a data transmission, or by oral communication, to the roadway worker in charge by the train dispatcher or control operator in charge of the track.

According to FRA's roadway worker program specialist, railroads are already doing all this. It is part of their usual and customary procedure. Consequently, there is no burden associated with this requirement.

Exclusive Track Occupancy, Electronic Display (§ 214.322)

(a) While it is in effect, all the contents of an authority electronically displayed shall be readily viewable by the roadway worker in charge that is using the authority to provide on-track safety for a roadway work group.

(b) If the electronic display device malfunctions, fails, or cannot display an authority while it is in effect, the roadway worker in charge shall either obtain a written or printed copy of the authority in accordance with § 214.321 (except that on-track roadway maintenance machine movements and hi-rail movements must stop), or establish another form of on-track safety without delay. In the event that a written or printed copy of the authority cannot be obtained or another form of on-track safety cannot be established after failure of an electronic display device, the roadway worker in charge shall instruct all roadway workers to stop work and occupy a place of safety and conduct an on-track safety job briefing to determine the safe course of action with the roadway work group.

There are three (3) railroads that currently use electronically displayed authorities. FRA estimates that approximately 1,000 times a year the electronic display will malfunction, fail, or be unable display an authority. It is estimated that it will take approximately 10 minutes to receive either a written or printed copy of the authority.

Respondents Universe:	3 Class I Railroads
Burden time per response:	10 minutes
Frequency of Response:	On occasion
Annual Number of responses:	1,000 written authorities/printed authority copy
Total Annual Burden:	167 hours
Annual Cost:	\$9,519 (167 hrs. x \$57 p/hr.)

Calculation: 1,000 written authorities/printed authority copies x 10 min.
= 83 hours

As far as the second part of the above requirement and as noted previously, briefings are a usual and customary practice for railroads. Consequently, there is no burden associated with briefings.

(c) All authorized users of an electronic display system shall be uniquely identified to support individual accountability. A user may be a person, a process, or some other system that accesses or attempts to access an electronic display system to perform tasks or process an authority.

(d) All authorized users of an electronic display system must be authenticated prior to being granted access to such system. The system shall ensure the confidentiality and integrity of all internally stored authentication data and protect it from access by unauthorized users. The authentication scheme shall utilize algorithms approved by the National Institute of Standards and Technology (NIST), or any similarly recognized and FRA approved standards body.

Railroads are already doing (c) and (d) above. It is part of their usual and customary procedure. Consequently, there is no burden associated with this requirement.

(e) The integrity of all data must be ensured during transmission/reception, processing, and storage. All new electronic display systems implemented on or after July 1, 2017, shall utilize a Message Authentication Code (MAC) to ensure that all data are error free. The MAC shall utilize algorithms approved by NIST, or any similarly recognized and FRA approved standards body. Systems implemented prior to July 1, 2017, may utilize a Cyclical Redundancy Code (CRC) to ensure that all data are error free provided

(g) If any electronic display device used to obtain an authority is involved in an accident/incident that is required to be reported to FRA under Part 225 of this Chapter, the railroad or employer that was using the device at the time of the accident shall, to the extent possible, and to the extent consistent with the safety of life and property, preserve the data recorded by each such device for analysis by FRA. This preservation requirement permits the railroad or employer to extract and analyze such data, provided the original downloaded data file, or an unanalyzed exact copy of it, shall be retained in

secure custody and shall not be utilized for analysis or any other purpose except by direction of FRA or the National Transportation Safety Board. This preservation requirement shall expire one (1) year after the date of the accident unless FRA or the National Transportation Safety Board notifies the railroad in writing that the data are desired for analysis.

Railroads do this automatically as their usual and customary practice. Consequently, there is no burden associated with it.

(h) New electronic display systems implemented after July 1, 2017, shall provide Level 3 assurance as defined by NIST Special Publication 800-63-2, Electronic Authentication Guideline, "Computer Security," August 2013. Systems implemented prior to July 1, 2017, shall provide Level 2 assurance. Systems implemented prior to July 1, 2017, that do not provide Level 2 or higher assurance must be retired, or updated to provide Level 2 assurance, no later than July 1, 2018.

(i) For purposes of complying with paragraph (h) of this section, electronic display systems may use multi-factor authentication for digital authentication of the subject.
(New Requirement)

FRA estimates that approximately zero (0) requests to inspect copies of the NIST publication at FRA or NARA will be made under this requirement. Consequently, there is no burden associated with it.

Foul Time Working Limit Procedures (§ 214.323)

(a) Foul time may be given orally or in writing by the train dispatcher or control operator only after that employee has withheld the authority of all trains or other on-track equipment to move into the working limits during the foul time period.

(b) Each roadway worker in charge to whom foul time is transmitted orally must repeat the track number or identifier, track limits and time limits of the foul time to the issuing employee for verification before the foul time becomes effective.

(c) The train dispatcher or control operator must not permit the movement of trains or other on-track equipment onto the working limits protected by foul time until the roadway worker in charge who obtained the foul time has reported clear of the track.

(d) The roadway worker in charge shall not permit the movement of trains or other on-track equipment into or within working limits protected by foul time.

This requirement corresponds with current practice in the railroad industry, and is not considered an additional requirement of this regulation. The notification will be given

verbally in nearly all cases. Since this is the usual and customary procedure, there is no additional burden associated with this provision.

Train Coordination (§ 214.325)

Working limits established on controlled track by a roadway worker in charge through the use of train coordination must comply with the following requirements: (a) Working limits established by train coordination must be within the segments of track or tracks upon which only one train holds exclusive track authority to move. (b) The roadway worker who establishes working limits by train coordination must communicate with a member of the crew of the train holding the exclusive authority to move, and must determine that: as specified in (1) through (4) of this section.

Communications between the roadway worker in charge and members of the train crew is a usual and customary practice. Consequently, there is no burden associated with this requirement.

Inaccessible Track (§ 214.327)

Working limits on non-controlled track shall be established by rendering the track within working limits physically inaccessible to trains at each possible point of entry by one of the following features: as specified (1) through (8) of this section.

This is a usual and customary practice. Consequently, there is no burden associated with this requirement.

Train Approach Warning Provided by Watchmen/Lookouts (§ 214.329)

Roadway workers in a roadway work group who foul any track outside of working limits shall be given warning of approaching trains by one or more watchmen/lookouts in accordance with the following provisions: as specified (a) through (e) of this section.

This is a usual and customary practice. Consequently, there is no burden associated with this requirement.

(f) Every roadway worker who is assigned the duties of a watchman/lookout shall first be trained, qualified and designated in writing by the employer to do so in accordance with the provisions of §214.349.

FRA estimates that approximately 26,250 written designations will be made under the above requirement. It is estimated that each written designation will take approximately 30 seconds to complete.

Respondents:	741 Railroads
Burden time per response:	30 seconds
Frequency of Response:	On occasion
Annual Number of responses:	26,250 written designations
Total Annual Burden:	219 hours
Annual Cost:	\$16,644 (219 hrs. x \$76 p/hr.)

Calculation: 26,250 written designations x 30 sec. = 219 hours

Informational Line-Ups of Trains (214.333)

(a) A railroad is permitted to include informational line-ups of trains in its on-track safety program for use only on subdivisions of that railroad upon which such procedure was in effect on March 14, 1996.

(c) Each on track safety program that provides for the use of informational line-ups shall discontinue such use by June 12, 2017.

The burden for on-track safety programs is included above under that of § 214.305. There is no additional burden associated with this requirement.

On-Track Safety Procedures for Roadway Work Groups (214.335)

No roadway worker who is a member of a roadway work group shall foul a track without having been informed by the roadway worker in charge of the roadway work group that on-track safety is provided.

The burden for this requirement is addressed in § 214.315, Supervision and Communication. Consequently, there is no additional burden associated with this requirement.

On-Track Safety Procedures for Certain Roadway Work Groups and Adjacent Tracks (§ 214.336)

(a) Procedures; general. (1) Except as provided in paragraph (e) of this section, on-track safety is required for each adjacent controlled track when a roadway work group with at least one of the roadway workers on the ground is engaged in a common task with on-track, self-propelled equipment or coupled equipment on an occupied track. The required on-track safety must be established through § 214.319 (Working limits, generally) or § 214.329 (Train approach warning provided by watchmen/lookouts) and as more specifically described in this section.

Any burden associated with § 214.319, and § 214.329 are included in those sections, respectively. Consequently, there is no additional burden under the above provision.

(b) Procedures for adjacent-controlled-track movements over 25 mph. If a train or other on-track equipment is authorized to move on an adjacent controlled track at a speed greater than 25 mph, each roadway worker in the roadway work group that is affected by such movement must comply with the following procedures as specified (1) through (2) of this section.

FRA estimates that approximately 10,000 notifications or watchmen lookout warnings will be made under the above requirement. It is estimated that it will take approximately five (5) seconds to make each notification/watchman lookout warning.

Respondents Universe:	100 Railroads
Burden time per response:	5 seconds
Frequency of Response:	On occasion
Annual Number of responses:	10,000 notifications or watchmen lookout warnings
Total Annual Burden:	14 hours
Annual Cost:	\$798 (14 hrs. x \$57 p/hr.)

Calculation: 10,000 notifications or watchmen lookout warnings x 5 sec. = 14 hours

(c) Procedures for adjacent-controlled-track movements 25 mph or less. If a train or other on-track equipment is authorized or permitted to move on an adjacent controlled track at a speed of 25 mph or less, each roadway worker in the roadway work group that is affected by such movement must comply with the procedures listed in paragraph (b) of this section, except that equipment movement on the rails of the occupied track and on-ground work performed exclusively between the rails (i.e., not breaking the plane of the rails) of the occupied track may continue, provided that no on-ground work is performed within the areas 25 feet in front or 25 feet behind any on-track, self-propelled equipment or coupled equipment permitted to move on the occupied track.

In keeping with the requirements listed in paragraph (b) of this section, FRA estimates that approximately 3,000 notifications or watchmen lookout warnings will be made under the above requirement. It is estimated that it will take approximately 5 seconds to make each notification/watchman lookout warning.

Respondents Universe:	100 Railroads
Burden time per response:	5 seconds
Frequency of Response:	On occasion
Annual Number of responses:	3,000 notifications or watchmen lookout

Total Annual Burden:	warnings 4 hours
Annual Cost:	\$228 (4 hrs. x \$57 p/hr.)

Calculation: 3,000 notifications/watchmen lookout warnings x 5 sec. = 4 hrs.

(e) Exceptions to the requirements in paragraphs (a), (b), and (c) for adjacent-controlled-track on-track safety. No on-track safety (other than that required by paragraph (f) (Procedures for components of roadway maintenance machines fouling an adjacent controlled track) or provided under paragraph (d) (Discretion of roadway worker in charge) of this section) is required by this section for an adjacent controlled track during the times that the roadway work group is exclusively performing one or more of the following work activities as specified (1) through (3) of this section.

As noted previously, railroad job briefings are a usual and customary practice. Consequently, there is no burden associated with this requirement.

Total annual burden for this entire requirement is 18 hours (14 + 4).

On-track Safety Procedures for Lone Workers (§ 214.337)

(b) A lone worker retains an absolute right to use on-track safety procedures other than individual train detection if he or she deems it necessary, and to occupy a place of safety until such other form of on-track safety can be established.

The burden for on-track safety programs/procedures is included above under that of § 214.305. Consequently, there is no additional burden associated with this requirement.

(e) A lone worker using individual train detection for on-track safety while fouling a track may not occupy a position or engage in any activity that would interfere with that worker's ability to maintain a vigilant lookout for, and detect the approach of, a train moving in either direction as prescribed in this section.

(f) A lone worker who uses individual train detection to establish on-track safety shall first complete a written Statement of On-track Safety. The Statement shall designate the limits of the track for which it is prepared and the date and time for which it is valid.

This is a usual and customary practice. Consequently, there is no burden associated with this requirement.

Audible Warning from Trains (§ 214.339)

(a) Each railroad shall have in effect and comply with written procedures that prescribe effective requirements for audible warning by horn and/or bell for trains and locomotives approaching any roadway workers or roadway maintenance machines that are either on the track on which the movement is occurring, or about the track if the roadway workers or roadway maintenance machines are at risk of fouling the track. At a minimum, such written procedures shall address: as specified (1) through (3) of this section.

This requirement will affect approximately 19 railroads. Thus, FRA estimates that approximately 19 written procedures that prescribe effective requirements for audible warning by horn and/or bell for trains and locomotives approaching any roadway workers or roadway maintenance machines will be completed under the above requirement. It is estimated that it will take approximately four (4) hours to complete each written procedure.

Respondents Universe:	19 Railroads
Burden time per response:	4 hours
Frequency of Response:	On occasion
Annual Number of responses:	19 written procedures
Total Annual Burden:	76 hours
Annual Cost:	\$5,776 (76 hrs. x \$76 p/hr.)

Calculation: 19 written procedures x 4 hrs. = 76 hours

Training and Qualification (§ § 214.343/345/347/349/351/353/355)

Under 5 CFR 1320.3(h)(7), examinations designed to test the aptitude, abilities, or knowledge of the persons tested and the collection of information for identification or classification in connection with such examinations are not considered” information.” Consequently, there is no burden associated with these requirements.

However, for the 50,000 roadway workers employed, FRA estimates that it will take approximately two (2) minutes per employee to keep a written or electronic record of their qualifications.

Respondents:	50,000 Roadway Workers
Burden time per response:	2 minutes
Frequency of Response:	On occasion
Annual Number of responses:	50,000 records
Total Annual Burden:	1,667 hours
Annual Cost:	\$126,692 (1,667 hrs. x \$76 p/hr.)

Calculation: 50,000 roadway workers x 2 min. = 1,667 hours

Good Faith Challenges; Procedures for Notification and Resolution (§ 214.503)

An employee operating an on-track roadway maintenance machine or hi-rail vehicle must inform the employer whenever the employee makes a good faith determination that the machine or vehicle does not comply with FRA regulations, or has a condition that inhibits its safe operation.

FRA estimates that approximately 125 notifications will be made each year by employees to employers under this requirement. It is estimated that it will take approximately 10 minutes to make each notification/communication to the employer.

Respondent Universe:	50,000 Roadway Workers
Burden time per response:	10 minutes
Frequency of Response:	On occasion
Annual number of Responses:	125 notifications
Total Annual Burden:	21 hours
Annual Cost:	\$1,197 (21 hrs. x \$57 p/hr.)

Calculation: 125 notifications/communications x 10 min. = 21 hours

- A. Each employer must have in place and follow written procedures to assure prompt and equitable resolution of challenges resulting from good faith determinations made in accordance with this section. The procedures must include specific steps to be taken by the employer to investigate each good faith challenge, as well as procedures to follow once the employer finds a challenged machine or vehicle does not comply with this subpart or is otherwise unsafe to operate. The procedures must also include the title and location of the employer's designated official.

FRA estimates that approximately five (5) new railroads will commence operations each year and thus five (5) resolution procedures will be developed each year under the above requirement. It is estimated that it will take approximately two (2) hours to develop each resolution procedure.

Respondent Universe:	692 Class III Railroads/ 200 Contractors
Burden time per response:	2 hours
Frequency of Response:	On occasion
Annual number of Responses:	5 resolution procedures
Total Annual Burden:	10 hours
Annual Cost:	\$760 (10 hrs. x \$76 p/hr.)

Calculation: 5 resolution procedures x 2 hrs. = 10 hours

Total annual burden for this requirement is 31 hours (21 + 10).

Required Environmental Control and Protection Systems for New On-Track Roadway Maintenance Machines with Enclosed Cabs (§ 214.505)

- A. An employer must maintain a list of new and designated existing on-track roadway maintenance machines of the types listed in paragraph (a)(1) through (a)(5) of this section, or functionally equivalent thereto. The list must be kept current and made available to the Federal Railroad Administration and other Federal and State agencies upon request.

This requirement covers both railroads and contractors. FRA estimates then that approximately 300 lists of new and designated on-track roadway maintenance machines of the types specified in paragraph (a) of this section will be kept by railroads and an additional 200 lists will be kept by contractor under the above requirement. It is estimated that it will take approximately one (1) hour to develop/compile each list.

Respondent Universe:	692 Class III Railroads/ 200 Contractors
Burden time per response:	1 hour
Frequency of Response:	On occasion
Annual number of Responses:	500 lists
Total Annual Burden:	500 hours
Annual Cost:	\$38,000 (500 hrs. x \$76 p/hr.)

Calculation: 500 lists x 1 hr. = 500 hours

An existing roadway maintenance machine of the types listed in paragraphs (a)(1) through (a)(5) of this section, or functionally equivalent thereto, becomes “designated” when the employer adds the machine to the list required in paragraph(c) of this section. The designation is irrevocable, and the designated existing roadway maintenance machine remains subject to paragraph (b) of this section until it is retired or sold.

Those existing roadway maintenance machines that are not already designated will become so when they are sold by a railroad to another railroad or contractor. FRA estimates that approximately 150 machines will become designated under these circumstances. It is estimated that it will take approximately five (5) minutes to designate each roadway maintenance machine.

Respondent Universe:	692 Class III Railroads/ 200 Contractors
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Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	150 designations
Total Annual Burden:	13 hours
Annual Cost:	\$988 (13 hrs. x \$76 p/hr.)

Calculation: 150 designations x 5 min. = 13 hours

(i) Paragraph (a) of this section is not applicable to machines that are incapable of performing work functions other than by remote operation and are equipped with no operating controls (i.e., drone roadway maintenance machines) if the following conditions are met. (1) If a drone roadway maintenance machine is operated from the cab of a separate machine, that separate machine must comply with paragraph (a) of this section. (2) If a drone roadway maintenance machine is operated outside of the main cab of the separate machine in a manner that will expose the operator to air contaminants, as outlined in 29 CFR 1910.1000, Air contaminants, the employee shall be protected in compliance with 29 CFR 1910.134, Personal respiratory protection. (3) No person is permitted on the drone roadway maintenance machine while the equipment is operating. (4) Each drone roadway maintenance machine must be clearly identified by stenciling, marking, or other written notice in a conspicuous location on the machine indicating the potential hazards of the machine being operated from a distance or that the machine may move automatically. (New Requirement)

FRA estimates that approximately 10 machines will become designated under these circumstances. It is estimated that it will take approximately five (5) minutes to designate each roadway maintenance machine.

Respondent Universe:	30 drones
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	10 stencils/displays
Total Annual Burden:	1 hour
Annual Cost:	\$57 (1 hour x \$57 p/hr.)

Calculation: 10 stencils/displays x 5 min. = 1 hour

Total annual burden for this entire requirement is 514 hours (500 + 13 + 1).

Required Safety Equipment for New On-Track Roadway Maintenance Machines (§ 214.507)

Each new on-track roadway maintenance machine must have its as-built light weight displayed in a conspicuous location on the machine.

FRA estimates that approximately 1,000 new on-track roadway maintenance machines are built each year. It is estimated that it will take approximately five (5) minutes to display a sticker or stencil on each machine indicating its as-built light weight in a conspicuous location. Total annual burden is approximately 83 hours.

Respondent Universe:	692 Class III Railroads/ 200 Contractors
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	1,000 stickers/stencils
Total Annual Burden:	83 hours
Annual Cost:	\$4,731 (83 hrs. x \$57 p/hr.)

Calculation: 1,000 stickers/stencils x 5 min. = 83 hours

Required Audible Warning Devices for New On-Track Roadway Maintenance Machines (§ 214.511)

Each new on-track roadway maintenance machine must be equipped with: (1) A horn or audible warning device that produces a sound loud enough to be heard by roadway workers and other machine operators within the immediate work area. The triggering mechanism for the device must be clearly identifiable and within easy reach of the machine operator; and (2) An automatic change-of-direction alarm which provides an audible signal that is at least three seconds long and is distinguishable from the surrounding noise.

FRA estimates that approximately 3,700 roadway maintenance machines will be affected, requiring that triggering mechanisms for these new machines be made clearly identifiable and within easy reach of the machine operator. It is estimated that it will take approximately five (5) minutes to identify each triggering mechanism.

Respondent Universe:	692 Class III Railroads/ 200 Contractors
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	3,700 identified mechanisms
Total Annual Burden:	308 hours
Annual Cost:	\$17,556 (308 hrs. x \$57 p/hr.)

Calculation: 3,700 identified mechanisms x 5 min. = 308 hours

Retrofitting of Existing On-Track Roadway Maintenance Machines; General (§ 214.513)

By March 28, 2005, each existing on-track roadway maintenance machine must be equipped with a permanent or portable horn or other audible warning device that produces a sound loud enough to be heard by roadway workers and other machine operators within the immediate work area. The triggering mechanism for the device must be clearly identifiable and within easy reach of the machine operator.

This requirement has already been fulfilled. Consequently, there is no burden associated with it.

Overhead Covers for Existing On-Track Roadway Maintenance Machines (§ 214.515)

For those existing on-track roadway maintenance machines that are not already equipped with overhead covers for the operator's position, the employer shall evaluate the feasibility of providing an overhead cover on such a machine if requested in writing by the operator assigned to operate that machine or by the operator's designated representative. The employer shall provide the operator a written response for each request within 60 days. When the employer finds the addition of an overhead cover is not feasible, the response must include an explanation of the reasoning used by the employer to reach that conclusion.

FRA estimates that approximately 500 written requests for an overhead cover for an existing on-track roadway machine will be made by machine operators or their designated representatives. It is estimated that each written request by operators or their representatives will take approximately 10 minutes to complete. Further, it is estimated that there will be 500 written responses by employers within the required 60 days to these requests (including explanations when overhead covers are not feasible), and that each response will take approximately 20 minutes to complete.

Respondent Universe:	692 Class III Railroads/ 200 Contractors
Burden time per response:	10 minutes + 20 minutes
Frequency of Response:	On occasion
Annual number of Responses:	500 requests + 500 responses
Total Annual Burden:	250 hours
Annual Cost:	\$17,423 (83 hrs. x \$57 p/hr. + 167 hrs. x \$76 p/hr.)

Calculation: 500 requests x 10 min + 500 responses x 20 min. = 250 hours

Retrofitting of Existing On-Track Roadway Maintenance Machines Manufactured On or After January 1, 1991 (§ 214.517)

In addition to meeting the requirements of §214.513, after March 28, 2005, each existing on-track roadway maintenance machine manufactured on or after January 1, 1991, must have the following: (1) A change-of-direction alarm or rearview mirror or other rearward viewing device... (6) A turntable restraint device, on machines equipped with a turntable, to prevent undesired lowering, or a warning light indicating that the turntable is not in the normal travel position.

FRA estimates that approximately 500 existing on-track roadway machines will have the lightweight of the machine stenciled, or otherwise clearly displayed, if the light weight is known. It is estimated that it will take approximately five (5) minutes to stencil or clearly mark each existing on-track roadway machine.

Respondent Universe:	692 Class III Railroads/ 200 Contractors
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	500 stencils/displays
Total Annual Burden:	42 hours
Annual Cost:	\$2,394 (42 hrs. x \$57 p/hr.)

Calculation: 500 stencils/displays x 5 min. = 42 hours

Safe and secure positions for riders (§ 214.518)

On or after March 1, 2004, a roadway worker, other than the machine operator, is prohibited from riding on any on-track roadway maintenance machine unless a safe and secure position for each roadway worker on the machine is clearly identified by stenciling, marking, or other written notice.

This requirement has already been fulfilled. Consequently, there is no burden associated with it.

Hi-Rail Vehicles (§ 214.523)

The hi-rail gear of all hi-rail vehicles must be inspected for safety at least annually and with no more than 14 months between inspections. Tram, wheel wear and gage must be measured and, if necessary, adjusted to allow the vehicle to be safely operated.

Each employer must keep records pertaining to compliance with paragraph (a) of this section. Records may be kept on forms provided by the employer or by electronic means. The employer must retain the record of each inspection until the next required inspection is performed. The records must be available for inspection and copying during normal

business hours by representatives of FRA and States participating under Part 212 of this chapter. The records may be kept on the hi-rail vehicle or at a location designated by the employer.

FRA estimates that approximately 5,000 hi-rail vehicles will have safety critical components inspected at least annually, if not more often. It is estimated that it will take approximately five (5) minutes to complete each hi-rail vehicle safety inspection and record the results, either electronically or in writing.

Respondent Universe:	692 Class III Railroads/ 200 Contractors
Burden time per response:	5 minutes
Frequency of Response:	On occasion
Annual number of Responses:	5,000 inspection records
Total Annual Burden:	417 hours
Annual Cost:	\$23,679 (417 hrs. x \$57 p/hr.)

Calculation: 5,000 inspection records x 5 min. = 417 hours

The operator of the hi-rail vehicle must check the vehicle for compliance with this subpart, prior to using the vehicle at the start of the operator's work shift. A non-complying condition that cannot be repaired immediately must be tagged and dated in a manner prescribed by the employer and reported to the designated official. Non-complying automatic change-of-direction alarms, back-up alarms, and 360-degree intermittent warning lights or beacons must be repaired or replaced as soon as practicable within seven calendar days.

FRA estimates that approximately 500 non-complying conditions that cannot be repaired immediately will be tagged and dated in a manner prescribed by the employer and reported to the designated official. It is estimated that it will take approximately 10 minutes to complete each tag and an additional 15 minutes to complete each report to the designated official.

Respondent Universe:	692 Class III Railroads/ 200 Contractors
Burden time per response:	10 minutes + 15 minutes
Frequency of Response:	On occasion
Annual number of Responses:	500 tags + 500 reports
Total Annual Burden:	208 hours
Annual Cost:	\$11,856 (208 hrs. x \$57 p/hr.)

Calculation: 500 tags x 10 min. + 500 reports x 15 min. = 208 hours

Total annual burden for this requirement is 625 hours (417 + 208).

On-Track Roadway Maintenance Machines; Inspection for Compliance and Schedule for Repairs (§ 214.527)

The operator of an on-track roadway maintenance machine must check the machine components for compliance with this subpart, prior to using the machine at the start of the operator's work shift. Any non-complying condition that cannot be repaired immediately must be tagged and dated in a manner prescribed by the employer and reported to the designated official.

FRA estimates that approximately 550 non-complying conditions relating to on-track roadway maintenance machines that cannot be repaired immediately will be tagged and dated in a manner prescribed by the employer and reported to the designated official. It is estimated that it will take the operator approximately five (5) minutes to check the machine components for compliance with this subpart and complete the tag. Further, it is estimated that it will take an additional 15 minutes to complete each report to the designated official.

Respondent Universe:	692 Class III Railroads/ 200 Contractors
Burden time per response:	5 minutes + 15 minutes
Frequency of Response:	On occasion
Annual number of Responses:	550 tags + 550 reports
Total Annual Burden:	183 hours
Annual Cost:	\$10,431 (183 hrs. x \$57 p/hr.)

Calculation: 550 tags x 5 min. + 550 reports x 15 min. = 183 hours

Schedule of Repairs Subject to Availability of Parts (§ 214.533).

(d) Each employer must maintain records pertaining to compliance with this section. Records may be kept on forms provided by the employer or by electronic means. The employer must retain each record for at least one year, and the records must be available for inspection and copying during normal business hours by representatives of FRA and States participating under Part 212 of this chapter. The records may be kept on the on-track roadway maintenance machine or hi-rail vehicle or at a location designated by the employer.

FRA estimates that approximately 250 records will be kept, either electronically or on paper, in order to comply with the requirements of this section. It is estimated that it will take approximately 15 minutes to complete each record.

Respondent Universe: 692 Class III Railroads/
200 Contractors

Burden time per response: 15 minutes

Frequency of Response: On occasion

Annual number of Responses: 250 records

Total Annual Burden: 63 hours

Annual Cost: \$4,788 (63 hrs. x \$76 p/hr.)

Calculation: 250 records x 15 min. = 63 hours

Total annual burden for the entire information collection is 5,619 hours.

CFR Section/Subject	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours	Total Annual Dollar Cost Equivalent
Form FRA F 6180.119 – Part 214 Railroad Workplace Safety Violation Report.	350 Safety Inspectors	129 forms	4 hours	516 hours	\$29,412
214.307 – Railroad on-track safety programs – RR programs that comply with this part + copies at system/division headquarters.	741 railroads	276 programs + 325 copies	2 hours + 2 minutes	563 hours	\$42,788
– RR notification to FRA not less than one month before on-track safety program takes effect.	741 railroads	276 notices	20 minutes	92 hours	\$6,992
– RR amended on-track safety programs after FRA disapproval.	741 railroads	1 program	4 hours	4 hours	\$304
– RR written response in support of disapproved program	741 railroads	1 written response	20 hours	20 hours	\$1,520
214.309 – RR publication of bulletins/notices reflecting changes in on-track safety manual.	60 railroads	100 bulletins/notices	60 minutes	100 hours	\$7,600
214.311 – RR written procedure to achieve prompt and equitable resolution of good faith employee challenges.	19 railroads	5 developed procedures	2 hours	10 hours	\$760
214.317 -- On-track safety procedures, generally, for snow removal, weed spray equipment, tunnel niche or clearing by.	19 railroads	5 operating procedures	2 hours	10 hours	\$760
214.318 – Procedures established by railroads for workers to perform duties incidental to those of inspecting, testing, servicing, or repairing rolling equipment.	741 railroads	19 rules/procedures	2 hours	38 hours	\$2,888
214.320 – Roadway maintenance machines movement over signalized	741 railroads	5 requests	4 hours	20 hours	\$1,520

non-controlled track – RR request to FRA for equivalent level of protection to that provided by limiting all train and locomotive movements to restricted speed.					
214.322 – Exclusive track occupancy, electronic display – Written authorities/printed authority copy if electronic display fails or malfunctions.	3 Class I Railroads	1,000 written authorities	10 minutes	167 hours	\$9,519
214.329 – Train approach warning – Written designation of watchmen/lookouts.	741 railroads	26,250 designations	30 seconds	219 hours	\$16,644
214.336 – Procedures for adjacent track movements over 25 mph: notifications/ watchmen/ lookout warnings.	100 railroads	10,000 notices	5 seconds	14 hours	\$798
– Procedures for adjacent track movements 25 mph or less: notifications/watchmen/ lookout warnings.	100 railroads	3,000 notices	5 seconds	4 hours	\$228
214.339 – Audible warning from trains: written procedures that prescribe effective requirements for audible warning by horn and/or bells for trains.	19 railroads	19 written procedures	4 hours	76 hours	\$5,776
214.343/345/347/349/351/353/355 – Annual training for all roadway workers (RWs) – Records of training.	50,000 roadway workers	50,000 records	2 minutes	1,667 hours	\$126,692
214.503 – Notifications for non-compliant roadway maintenance machines or unsafe condition.	50,000 roadway workers	125 notices	10 minutes	21 hours	\$1,197
– Resolution procedures.	19 railroads/ contractors	5 procedures	2 hours	10 hours	\$760
214.505 Required environmental control and protection systems for new on-track roadway maintenance machines with enclosed cabs.	741/200 railroads/ contractors	500 lists	1 hour	500 hours	\$38,000
– Designations/additions to list.	692/200 railroads/ contractors	150 additions/ designations	5 minutes	13 hours	\$988
– Stenciling or marking of drone roadway maintenance machine (New requirement).	30 drones	10 stencils /displays	5 minutes	1 hour	\$57
214.507 – A-Built Light Weight on new roadway maintenance machines	692/200 railroads/ contractors	1,000 stickers/ stencils	5 minutes	83 hours	\$4,731
214.511 – Required audible warning	692/200	3,700	5 minutes	308 hours	\$17,556

devices for new on-track roadway maintenance machines.	railroads/ contractors	identified mechanisms			
214.515 – Overhead covers for existing on-track roadway maintenance machines.	692/200 railroads/ contractors	500 + 500 requests + responses	10 + 20 minutes	250 hours	\$17,423
214.517 – Retrofitting of existing on-track roadway maintenance machines manufactured on or after Jan. 1, 1991	692/200 railroads/ contractors	500 stencils/ displays	5 minutes	42 hours	\$2,394
214.523 – Hi-rail vehicles	692/200 railroads/ contractors	5,000 records	5 minutes	417 hours	\$23,769
– Non-complying conditions.	692/200 railroads/ contractors	500 tags + 500 reports	10 minutes + 15 minutes	208 hours	\$11,856
214.527 – Inspection for compliance – Repair schedules.	692/200 railroads/ contractors	550 tags + 550 reports	5 minutes + 15 minutes	183 hours	\$10,431
214.533 – Schedule of repairs – Subject to availability of parts.	692/200 railroads/ contractors	250 records	15 minutes	63 hours	\$4,788
Totals	741 railroads	105,751 responses	N/A	5,619 hours	\$388,151

13. Estimate of total annual costs to respondents.

Listed below are the costs associated with the information collection requirements of Subpart C:

\$5	- Letters/documents to FRA (1 letter/document@ \$5.00 per document to cover postage, paper, and envelopes)
\$250	- Printing and other related expenses for required program manuals for 5 new start-up Class III railroads (@ \$50 per manual)
\$200,000	- Miscellaneous Costs
\$200,255	- Total Cost

Additionally, under the proposed § 214.505, FRA estimates that 10 roadway maintenance machine drones will require stickers to be properly labeled to ensure roadway workers will know the machines are controlled remotely. Thus, FRA estimates the cost to respondents will be \$100 annually (10 roadway machines x 2 stickers on each side of the drone x \$5 per sticker).

Overall, the cost to respondents has increased by \$100 from \$200,255 to \$200,355 due to program change.

14. Estimate of Cost to Federal Government.

Except for some minimal training costs for FRA safety inspectors who will have to monitor silica dust exposure inside the cabs of roadway maintenance machines and hi-rail vehicles under the new Subpart D, FRA estimates no additional costs.

15. Explanation of program changes and adjustments.

Currently, the OMB inventory for this collection of information shows a total annual burden of 6,359 hours and 106,482 responses, while this updated submission reflects a total annual burden of 5,619 hours and 105,751 responses. The change in burden is due both to a program change (an increase) and one adjustment (a decrease). Overall, the adjustments decreased the annual burden by 740 hours and 731 responses.

FRA provided a thorough review of this package and determined the burden associated with the on-track safety manual, under § 241.309(b), has been fulfilled. The tables below provide the specifics on any burden estimates that have changed from the previous submission.

Table for Program Change

CFR Section	Total Annual responses (Previous)	Total Annual responses (Requesting)	Adjustments	Total annual burden hours (Previous)	Total annual burden hours (Requesting)	Adjustments
214.505 – Stenciling or marking of drone roadway maintenance machine (Revised requirement).	0	10 stickers/stencils	10 stickers/stencils	0	1 hour	1 hour

Table for Adjustments

CFR Section	Total Annual responses (Previous)	Total Annual responses (Requesting)	Adjustments	Total annual burden hours (Previous)	Total annual burden hours (Requesting)	Adjustments	Section analyses and estimates
214.309(b) – On-track safety manual	741 provisions	0	-741 provisions	741 hours	0	-741 hours	The railroads have already completed this requirement. Consequently, there will no burden associated

							with this requirement.
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Overall, the cost to respondents has increased by \$100 from \$200,255 to \$200,355 due to program change.

16. Publication of results of data collection.

FRA does not have any plans to publish the results of this collection of 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.