

**1 FEDERAL RAILROAD ADMINISTRATION
POSITIVE TRAIN CONTROL AND OTHER SIGNAL SYSTEMS
(Title 49 Code of Federal Regulations Parts 235 and 236)
SUPPORTING JUSTIFICATION
OMB Control No. 2130-0553**

Summary

- This submission is a revision to the last approved submission pertaining to Title 49 Code of Federal Regulations (CFR) Part 236, which was approved by OMB on June 5, 2020, and which expires June 30, 2023.
- FRA is publishing a Notice of Proposed Rulemaking (NPRM) revising part 236 titled Positive Train Control Systems in the Federal Register on December 18, 2020. See 85 FR 82400. FRA plans to respond to any comments received in response to the NPRM in the final rule.
- The total number of burden hours previously approved by OMB for this collection is 68,373 hours and the total number of responses previously approved is 4,568,393.
- The total number of burden hours requested is 49,116 hours and the total number of responses requested is 4,567,924.
- The adjustments decreased the burden by 21,081 hours and increased responses by 524 after a thorough review of the data.
- The total burden for this collection has increased by 1,824 hours and by 55 responses due to a program change.
- The answer to question number 12 itemizes information collection requirements.
- The answer to question number 15 itemizes adjustments.

1. Circumstances that make collection of the information necessary.

Under the Positive Train Control Enforcement and Implementation Act of 2015 (PTCEI Act), each railroad subject to 49 U.S.C. 20157(a) must submit an annual progress report to FRA by March 31, 2016, and annually thereafter, until it has fully implemented an FRA-certified and interoperable Positive Train Control (PTC) system. 49 U.S.C. 20157(c)(1). The PTCEI Act specifically requires each railroad to provide certain information in the annual reports regarding its progress toward implementing a PTC system, in addition to any other information FRA requests. See *id.* Further, 49 U.S.C. 20157(c)(2) requires FRA to conduct compliance reviews at least annually to ensure each railroad is complying

with its revised PTC Implementation Plan (PTCIP), including any FRA-approved amendments. The PTCEI Act requires railroads to provide information to FRA that FRA determines is necessary to adequately conduct such compliance reviews. 49 U.S.C. 20157(c)(2).

Accordingly, under its statutory and regulatory authority, FRA currently requires, and seeks to continue requiring, each subject railroad to submit Quarterly PTC Progress Reports (Form FRA F 6180.165) and Annual PTC Progress Reports (Form FRA F 6180.166), until the railroad finishes fully implementing an FRA-certified and interoperable PTC system on its required main lines. *See* 49 U.S.C. 20157(c)(1)–(2); *see also* 49 CFR 236.1009(h). Each subject railroad must submit these quarterly reports by the due dates in the following table:

	Coverage Period	Due Dates for Quarterly PTC Progress Reports
Q1	January 1 – March 31	April 30
Q2	April 1 – June 30	July 31
Q3	July 1 – September 30	October 31
Q4	October 1 – December 31	January 31

Each applicable railroad must submit its Quarterly PTC Progress Reports on Form FRA F 6180.165 and its Annual PTC Progress Reports on Form FRA F 6180.166 on FRA’s Secure Information Repository at <https://sir.fra.dot.gov>. By law, only 35 railroads (including 32 host railroads and 3 tenant-only commuter railroads) are currently required to submit Quarterly PTC Progress Reports (Form FRA F 6180.165) and Annual PTC Progress Reports (Form FRA F 6180.166).

In addition, FRA requires host railroads operating FRA-certified PTC systems to submit a Statutory Notification of PTC System Failures (Form FRA F 6180.177) to fulfill the temporary reporting requirement under the PTCEI Act, and FRA is proposing an alternative reporting frequency and reporting location, as the statutory mandate authorizes FRA to establish.

In 2020, FRA proposed to modify the process by which a host railroad must submit a request for amendment (RFA) to FRA before making certain changes to its PTC Safety Plan (PTCSP) and FRA-certified PTC system. In addition, FRA proposed to enable more effective FRA oversight by, expanding an existing reporting requirement through an increase in the frequency of reporting, from annual to biannual; broaden the reporting requirement to encompass positive performance-related information, not only failure-related information; and require host railroads to utilize a new, standardized Biannual Report of PTC System Performance (Form FRA F 6180.152). Overall, the proposed amendments would benefit the railroad industry, the public, and FRA, by reducing

unnecessary costs, facilitating innovation, and improving FRA's ability to oversee PTC system performance and reliability, while not negatively affecting rail safety.

Background for the PTC Final Rule Published on January 15, 2010

The RSIA was signed into law on October 16, 2008, mandating PTC system implementation by December 31, 2015. Specifically, Section 104 of the Rail Safety Improvement Act of 2008, Pub. L. 110-432, 122 Stat. 4854, (Oct. 16, 2008) (codified at 49 U.S.C. 20157) (RSIA) requires the installation of PTC systems governing all train operations on certain track. To effectuate this goal, RSIA required the covered railroads to submit for FRA approval a PTC implementation plan (PTCIP) within 18 months (*i.e.*, by April 16, 2010).

On July 27, 2009, FRA published an NPRM regarding the mandatory implementation and operation of PTC systems in accordance with RSIA. During the comment period for that proceeding, CSX Transportation, Inc., suggested that FRA create a de minimis exception to the requirement that lines carrying PIH materials traffic (but not applicable passenger traffic) be equipped with PTC systems.

The final rule, published on January 15, 2010, included a de minimis exception, since FRA believed that it contained significant merit and that it fell within the scope of the issues set forth in the proposed rule. However, since none of the parties had an opportunity to comment on this specific exception as provided in the final rule, FRA sought further comments on the extent of the de minimis exception. The further comments responsive to this issue were largely favorable, although the Association of American Railroads (AAR) sought some further modification and clarification.

In publishing its second PTC system final rule on September 27, 2010, FRA decided not to amend the de minimis exception any further based on the comments submitted. AAR, in its Petition dated April 22, 2011, requested that FRA initiate a rulemaking to expand the de minimis exception and otherwise amend the rules concerning the limited operations exception, en route failures of trains operating with PTC systems, and the discontinuance of signal systems once PTC systems were installed. AAR also requested that FRA develop a new exception to allow unequipped trains to operate on PTC lines during certain yard operations. On October 21, 2011, FRA held a meeting in Washington, DC, with the PTC Working Group (WG) to the Railroad Safety Advisory Committee (RSAC) to seek input and guidance concerning the issues raised in AAR's Petition and other technical amendments. FRA facilitated a valuable group discussion relating to each of the proposed amendments.

Considering this input, FRA published an NPRM on December 11, 2012. With respect to the categorical de minimis exception at 49 CFR 236.1005(b)(4)(iii), FRA proposed to modify the categorical de minimis exception to raise the maximum number of freight cars

containing PIH materials from fewer than 100 cars to fewer than 200 cars and revise the grade limitation to be more consistent with the definition of “heavy grade” present in 49 CFR Part 232. FRA also proposed to remove the traffic limitation of 15 million gross tons (MGT) from the general *de minimis* exception in paragraph (b)(4)(iii)(C), but not the categorical exception in paragraph (b)(4)(iii)(B). In response to AAR’s suggestions for a yard move exception, FRA proposed to add a yard movement exception that would authorize movements by unequipped locomotives over PTC-equipped main line track segments for the purpose of switching service or transfer train movements. FRA did not propose to create an additional limited operations exemption, remove oversight from signal system discontinuances, or modify the default rules for resolving en route failures of a PTC system, though FRA requested comments on these elements of AAR’s Petition. FRA also proposed a number of technical amendments to the signal and grade crossing regulations of 49 CFR Parts 234, 235, and 236. After learning that some viewed the scope of the NPRM as ambiguous, FRA published a notice of clarification on January 28, 2013, to ensure that commenters would have an adequate opportunity to address each element of AAR’s Petition. After the close of the comment period, FRA held a meeting of the RSAC PTC WG on May 24, 2013, in order to gather more information relating to the comments and an additional meeting on July 9, 2013, to discuss draft rule text.

In sum, FRA’s proposed rule primarily amends the regulations implementing a requirement of the Rail Safety Improvement Act of 2008 that certain passenger and freight railroads install PTC systems governing operations on certain main line tracks. This proposed rule revises an existing regulatory exception to the requirement to install a PTC system for track segments carrying freight only that present a *de minimis* safety risk. The proposed rule also adds a new exception for unequipped trains associated with certain yard operations to operate within PTC systems. The proposed rule also revises the provisions related to various failures of a PTC system, adds new provisions related to other failures of a PTC system, and amends the regulations on applications for approval of certain modifications of signal and train control systems. Last, this proposed rule makes technical amendments to FRA’s other signal and train control regulations and FRA’s regulations governing highway-rail grade crossing warning systems.

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

This is a revision to a current collection of information associated with FRA’s part 235 and 236 rules. Specifically, FRA is proposing to permit host railroads utilizing the same type of PTC system to submit joint RFAs to their PTCSPs and PTC Development Plans (PTCDP)—an option which, if exercised, would efficiently leverage industry’s resources, help ensure coordination among railroads operating the same types of PTC systems, and reduce the number of similar or identical RFA filings host railroads submit to FRA for review and approval. Second, FRA is proposing to expand an existing reporting requirement—49 CFR 236.1029(h), *Annual report of system failures*—by increasing the frequency of the reporting requirement from annual to biannual; broadening the reporting

requirement to encompass positive performance-related information, not only failure-related information; and requiring host railroads to utilize a new, standardized Biannual Report of PTC System Performance (Form FRA F 6180.152)¹ to enable more effective FRA oversight. In addition, FRA proposes to amend paragraph 236.1029(h) by updating the provision to use certain statutory terminology for consistency; clarifying the ambiguous filing obligation by specifying that only host railroads directly submit these reports to FRA; and explicitly requiring tenant railroads to provide the necessary data to their applicable host railroads by a specific date before the biannual filing deadlines.

Background

FRA has established new reporting requirements for railroads implementing PTC to comply with statutory mandates to collect information, to effectively track and report railroad progress, and to perform its role ensuring compliance through enforcement and industry oversight. *See, e.g.*, 49 U.S.C. § 20157(c)(1)–(2).

Railroads' submission of Quarterly PTC Progress Reports (Form FRA F 6180.165) and Annual PTC Progress Reports (Form FRA F 6180.166)—consistent with the reporting requirements under the PTCEI Act—enables FRA to effectively monitor railroads' progress toward fully implementing FRA-certified and interoperable PTC systems on the approximately 57,855 route miles subject to the statutory mandate. Such reporting also enables FRA to identify railroad-specific and industry-wide obstacles to full PTC system implementation and to provide timely technical assistance. Moreover, this reporting framework enables FRA to provide the public and Congress with data-driven status reports on industry's progress toward implementing this mandated technology on a regular basis, which will be especially important throughout 2020, as the statutory deadline for most mandated railroads to fully implement PTC systems is December 31, 2020.

Additionally, FRA added a new mandatory form—Statutory Notification of PTC System Failures (Form FRA F 6180.177; web based) to fulfill the temporary reporting requirement under PTCEI Act. With the web-based form, host railroads would be required to identify the number of PTC system initialization failures, cut outs, and malfunctions by state and subdivision to enable FRA to closely monitor trends in PTC system reliability throughout the country and focus its resources on any areas where such failures are occurring at a high rate.

The information to be collected under section 235.6 of this rule is used to simplify and expedite the process of submitting application requests to FRA by railroads seeking to modify existing signal systems associated with PTC implementation. Instead of submitting such application requests to the Associate Administrator for Safety/Chief Safety Officer at agency Headquarters, railroads would submit such applications to the

¹ The proposed Biannual Report of PTC System Performance (Form FRA F 6180.152) will be placed in the docket (Docket No. FRA-2019-0075) for review when this NPRM is published.

appropriate FRA Safety Management Team (SMT) having jurisdiction over the affected territory for modifications of the signal system by the installation, relocation, or removal of signals, interlocked switches, derails, movable point frogs, or electronic locks in an existing system where the modification is directly associated with the implementation of PTC systems. This decentralized approach to such application requests will allow them to be more quickly reviewed, processed, and acted on by appropriate FRA SMT staff instead of being added as the next one in line to a long national queue of signal system modification applications. If the R SMT for the appropriate SMT office denies approval of the requested modification, the request would then be forwarded to the FRA Railroad Safety Board as an application for signal system modification.

Under section 235.6, copies of such modification application requests must be sent to railroad unions responsible for maintenance, inspection, and testing of signal systems under Part 236. This requirement allows union representatives the opportunity to review all railroad signal system modification requests/applications and enable them to send comments from the railroad workers perspective to the relevant FRA SMT Office regarding any issues or concerns that they may have with such signal system modifications. The appropriate FRA SMT will review these comments and factor them in to any decision to approve/deny such signal system modification applications associated with PTC implementation.

Section 236.15 requires automatic block, traffic control, train stop, train control, cab signal, and positive train control be designated in timetable instructions. This information is used by railroad employees as they go about carrying out their daily jobs and ensures that identified specific types of signal and train control systems in operation on a railroad are designated in the railroad's timetable as a matter of general knowledge and high importance

Under section 236.1005(b)(4)(iii)(B)(4), in lieu of temporal separation, railroads may employ – subject to FRA approval – an alternative means of similarly reducing the risk of PTC-preventable accidents and a release of PIH materials on specified train line segments. FRA reviews such requests for non-temporal alternative risk mitigation on those line segments to determine that a level of safety equivalent to or greater than temporal separation is provided by proposed risk mitigation measures to reduce the risk of PTC-preventable accidents and a release of PIH materials so that the risk is negligible. If satisfied that the proffered mitigations would be successful, FRA will approve the exception of the line segment.

FRA uses the information collected under Subpart H and the additional information collected under Subpart I for compliance purposes. FRA uses the information collected to ensure that new or novel signal and train control technologies, essentially electronic or processor-based systems, meet the proposed “performance standard” and work as intended in the U.S. rail environment. These new signal and train control technologies are known

as PTC. The rule “performance standard” provides that any new signal and train control system would meet or exceed the safety performance of the existing system. In other words, new “PTC” products must not degrade railroad safety. Before introduction into revenue service, these new systems – as well as subsystems and components thereof – will be carefully evaluated by FRA to verify that they meet the proposed performance standard. FRA aims to use the information collected to facilitate safety improvements through accelerated introduction of new technology. FRA also plans to carefully review the information collected to ensure that new PTC systems are compatible nationwide.

Railroads are required to furnish FRA with a variety of information regarding “positive train control” technology. Under Subpart A of Part 236, railroads are required to adopt a software management control plan to assure that software used in processor-based signal and train control equipment placed in service is the version intended by the railroad to be in service at each location. FRA uses this information as an audit trail to determine if the correct software is installed at the correct locations for all processor-based signal and train control systems on a railroad. FRA believes that these plans will enhance safety and provide other benefits to the railroad as well.

Under Subpart H, railroads are also required to develop a Railroad Safety Program Plan (RSPP) that serves as the railroad’s principal safety document for all safety-critical products. The RSPP must establish the minimum Product Safety Plan (PSP) requirements that will govern the development and implementation of all products subject to this Subpart. FRA requires railroads to submit their initial RSPPs for FRA review and approval prior to implementation of safety-critical products. FRA intends the RSPP to serve as a guide, as well as to be a formal step-by-step process, which covers the following: identification of all safety requirements that govern operation of a system; evaluation of the total system to identify known or potential safety hazards that may arise over the life cycle of the system; identification of all safety issues during the design phase of the process; elimination or reduction of risk posed by the hazards identified; resolution of safety issues presented; development of a process to track progress; and development of a program of testing and analysis to demonstrate that safety requirements are met. FRA reviews RSPPs and RSPP amendments, which can be made at any time and which involve the same approval procedures that apply with the initial approval of the RSPP, to ensure that all the necessary information is provided and that the proposed new or modified PTC system meets or exceeds the overall safety provided by the old system.

Also, under Subpart H, railroads must submit a Product Safety Plan (PSP). Each PSP must include a complete description of the product and must include system specifications that describe the overall product and identify each component and its physical relationship in the system. FRA examines each PSP to fully understand how various parts relate to one another within a system. In particular, FRA reviews safety-critical functions to determine whether they are designed on the fail-safe principle. Each PSP must also include a description of the operation where the product will be used. FRA uses this information to

determine the type of operation on which the product will be used, and the suitability of the product for that type of operation.

Railroads are also required to retain records. Railroads need to maintain documentation to demonstrate that the product PSP meets the safety requirements of the railroad's RSPP and applicable standards described in this Subpart, including the risk assessment. The risk assessment must contain all initial assumptions for the system that are listed in paragraph (i) of Appendix B, Risk Assessment Criteria. Railroads are required to develop and keep for the life cycle of the product an Operations Maintenance Manual (as specified in § 236.923). Railroads are also required to maintain records which designate persons who are qualified under the railroad's training program to perform safety-related inspection, testing, maintenance, repairing, dispatching, or operating tasks regarding the safety-critical product. After the product is placed in service, railroads are required to maintain a database of safety-relevant hazards on the product which arise or are discovered. All documents and records must be made available for FRA inspection and copying during normal business hours. FRA uses the information provided by these records to fully ensure that processor-based signal and train control systems are safe, and are properly installed, maintained, inspected, and tested by qualified personnel who have complete and current information concerning the product.

Section 236.1005 provides flexibility to railroads by permitting requests for temporary rerouting. FRA will review temporary rerouting requests of trains equipped with a PTC system (as required by this Part) onto a track not equipped with a PTC system and a train not equipped with a PTC system onto a track with a PTC system – whether due to emergencies (for periods of more than 14 days) or planned maintenance (requests must be made 10 days in advance) – to understand the context and details of the rerouting and to determine whether the requested rerouting is necessary and in the interest of public safety. For emergency requests, FRA will review the information collected to ensure that a higher level of safety is maintained during the period of the rerouting. For rerouting due to planned maintenance, FRA will review requests to determine whether a railroad should reroute at all. Whether the request is for emergency or planned maintenance purposes, FRA will review the information collected to ensure that the track segments upon which the train will be rerouted have an absolute block established in advance of each rerouted train movement and that each rerouted train movement does not exceed 59 miles per hour for passenger and 49 miles per hour for freight trains in order to protect both railroad workers and the public at large.

Section 236.1006 details the requirements for equipping locomotives operating in PTC territory. It also provides that movements in excess of 20 miles are authorized until December 31, 2020, subject to restrictions, including that the Class II or Class III railroad must report to FRA progress in equipping the necessary number of locomotives with PTC. FRA reviews these reports by Class II/Class III railroads to monitor their progress in complying with mandatory statutory deadlines for equipping their locomotives with PTC.

Section 236.1007 requires a PTC railroad that conducts freight or passenger operations at more than 125 miles per hour to have an approved PTC Safety Plan (PTCSP) accompanied by an “HSR-125” document. This speed is the maximum speed for Class 7 track under § 236.307. At these higher speeds, the consequences of a derailment or collision are significantly greater than at lower speeds due to the involved vehicle’s kinetic energy. FRA reviews “HSR-125” documents to ensure the additional safety analysis contained in this document provides suitable evidence to the agency that the PTC system can support a level of safety equivalent to, or better than, the best level of safety of comparable rail service in the United States or a foreign country (where railroads request to use foreign service data in their “HSR-125” document) over the five-year period preceding the submission of the PTCSP. FRA also reviews and evaluates the “HSR-125” document to determine that it includes a method to ensure that these high-speed lines have the capability to detect incursions, including such hazards as large motor vehicles falling on the track structure from highway bridges, from outside the right of way, as well as the capability of providing warning to trains. For a PTC railroad that conducts freight or passenger operations at more than 150 miles per hour, FRA will review the “HSR-125” document to confirm that it is part of an overall system safety plan approved by the Administrator and that a Rule of Part Applicability governs such extremely high-speed operations.

Section 236.1009 spells out PTC procedural requirements and mandates each Class I carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation to develop and submit by April 16, 2010, a plan for implementing a PTC system by December 31, 2015. PTCIP content requirements are fully delineated in § 236.1011. FRA reviews these PTC Implementation Plans (PTCIPs) to see that the specified contents are included in each PTCIP and to ensure the implementation includes design, testing, potential Verification and Validation, installation, and operation over the PTC system’s life cycle. PTCIPs are integral part of the FRA PTC System Certification process, along with a Type Approval number and PTC Safety Plan (PTCSP). FRA examines each PTCIP to confirm that it fully describes the technology that will be employed, how the PTC railroad intends to comply with § 236.1009, how the PTC system provides for interoperability of the system between host and all tenant railroads on the lines required to be equipped with PTC systems under this subpart, and how all the other requirements stipulated in § 236.1011 are met.

Section 236.1013 establishes that, for a PTC system to obtain a Type Approval from FRA, a PTC Development Plan (PTCDP) must be filed in accordance with § 236.1009. FRA reviews the PTCIP and PTCDP contemporaneously in order predetermine and share with the railroad an appropriate course of action to adequately address the various issues specific to the railroad and related to drafting a successful PTC Safety Plan (PTCSP). The PTCDP is the core document that provides the FRA Associate Administrator for Safety sufficient information to determine whether the PTC system proposed for installation by

the railroad could meet the statutory requirements for PTC systems prescribed in the RSIA of 2008 and the regulatory requirements under new subpart I.

Section 236.1015 sets forth PTC Safety Plan (PTCSP) content requirements and what each railroad must do to receive a PTC System Certification. FRA carefully scrutinizes each PTCSP to assure that the as-built PTC system fulfills the required statutory PTC functions and is in compliance with the requirements of this Subpart. Each PTCSP must address railroad-specific implementation issues associated with the PTC system identified by the submitted Type Approval. Each PTCSP must include a risk assessment. FRA uses this information as a basis to confirm compliance with the appropriate performance standard. Also, FRA reviews the risk assessment to see that it provides evidence that risks associated with the product have been carefully considered and that steps have been taken to eliminate or mitigate them. Additionally, each PTCSP must address safety Verification and Validation procedures as defined under this Part. FRA believes that Verification and Validation for safety are vital parts of the PTC development process. FRA uses this information to ensure the adequacy and coverage of the tests are appropriate. FRA will only issue a PTC System Certification if the PTCSP receives agency approval. Receipt of a PTC System Certification affirms that the PTC system has been reviewed and approved by FRA in accordance with this Part and meets all of its requirements.

Section 236.1017 requires that each PTCSP must be supported by an independent third-party assessment when the Associate Administrator (for Safety) concludes that it is necessary based upon criteria spelled out in § 236.913(g)(2)(vii). If an independent assessment is required, the assessment may apply to the entire system or a designated portion of the system. FRA reviews any third-party audits to verify that the minimum requirements outlined in Appendix F to this Part are met.

Section 236.1019 pertains exclusively to exceptions from the rule that trackage over which scheduled intercity and commuter passenger service is provided is considered main line track requiring installation of a PTC system.

Section 236.1021 references discontinuances, material modifications, and amendments. In this section, FRA requires agency approval prior to certain PTC system changes. Amendments can add, remove, or update parts of the railroad's PTCIP, PTCDP, or PTCSP. FRA reviews these requests for amendment (RFAs) to ensure that all necessary information is provided to the agency to determine whether agency approval should be granted.

Section 236.1023 requires PTC product vendors and railroads to notify FRA when any PTC system, subsystem, component, product, or process fails, malfunctions, or otherwise experiences a defect that decreases or eliminates any safety functionality. FRA reviews these notifications to make certain that the cause of such failures, malfunctions, or defects are identified and that corrective actions are taken without undue delay.

Section 236.1029 requires communication of a report to a designated railroad officer when a PTC on-board device on a lead locomotive that is operating in or is to be operated within a PTC system fails or is otherwise cut-out. These reports are used by railroads to ensure necessary safety measures are taken, that the necessary alternative protection of absolute block is established. FRA monitors these reports to verify that appropriate records are kept relating to the occurrence of en route failures.

Section 236.1035 stipulates required information that railroads must provide to FRA before any field testing of an uncertified PTC system, or a product of an uncertified PTC system, or any regression testing of a certified PTC system is conducted. FRA reviews these documents/plans to make informed decisions regarding the safety of testing operations.

Section 236.1037 specifies records retention requirements. Each railroad with a PTC system required to be installed under this Subpart must maintain at a designated office on the railroad: (1) a current copy of each FRA approved Type Approval, if any, PTCDP, and PTCSP that it holds; (2) adequate documentation to demonstrate that the PTCSP and PTCDP meet the safety requirements of this Subpart, including the risk assessment; (3) an Operations and Maintenance Manual, pursuant to § 236.1039; and (4) training and testing records pursuant to § 236.1043(b). FRA reviews these records for compliance with a performance standard and with the requirements of this new Subpart.

Section 236.1039 requires railroads to catalog and maintain all documents as specified in the PTCDP and PTCSP for the installation, maintenance, repair, modification, inspection, and testing of the PTC system and have them in one Operations and Maintenance Manual.

Section 236.1041 requires railroads and contractors to establish and implement training and qualifications programs for PTC systems subject to this Subpart. These programs must meet the minimum requirements spelled out in the PTCDP and PCTSP in §§ 236.1039-236.1045, as appropriate, for the following personnel: (1) Persons whose duties include installing, maintaining, repairing, modifying, inspecting, and testing safety-critical elements of the railroad's PTC systems, including central office, wayside, or onboard subsystems; (2) Persons who dispatch train operations (issue or communicate any mandatory directive that is executed or enforced, or is intended to be executed or enforced, by a train control system subject to this subpart); (3) Persons who operate trains or serve as a train or engine crew member subject to instruction and testing under Part 217 of this Chapter, on a train operating in territory where a train control system subject to this subpart is in use; (4) Roadway workers whose duties require them to know and understand how a train control system affects their safety and how to avoid interfering with its proper functioning; and (5) The direct supervisors of persons listed in paragraphs (a)(1) through (a)(4) of this section.

Section 236.1043 requires regular and periodic evaluations of railroad's/contractor's PTC training programs and retention of training records. Railroads/contractors use this information as an audit to determine if their PTC training program materials and curriculum are effective and are imparting the specific knowledge, skills, and abilities to accomplish the stated goals of the training program. Railroads/contractors also use this information to determine if the stated goals of the training program reflect the correct and current products and operations. FRA reviews training records to verify that required personnel are properly trained and that new designations of qualified personnel are recorded, as appropriate.

Finally, section 236.1045, section 236.1047, and section 236.1049 set forth the training requirements for office personnel, locomotive engineers and other operating personnel, and roadway workers, respectively. Again, FRA seeks to prevent under-trained and unqualified people from performing safety critical functions related to a PTC system and to ensure that all railroad PTC railroad personnel are properly trained to safely perform assigned duties that are crucial to maintaining safe PTC systems and a safe rail work environment.

In sum, FRA uses the information collected under subparts H and I to ensure that new or novel PTC technologies are, at a minimum, as safe as the systems they would replace. This collection of information is a vital means that enables FRA to accomplish its main mission of promoting, enforcing, and enhancing safe rail transportation in this country.

3. Extent of automated information collection.

In keeping with past agency practice and the requirements of the Government Paperwork Elimination Act, FRA highly encourages and strongly supports the use of advanced information technology, wherever possible, to reduce burden. In Subpart H of this rule, FRA provides for electronic recordkeeping, or automated tracking systems. Furthermore, the hazard log or database of all safety-relevant hazards affecting PTC/processor-based signal and train control systems may be kept electronically. FRA believes that electronic records are not only convenient but also help to reduce the time and cost burdens experienced by railroads in gathering necessary information.

Also, FRA has decided to allow railroads to fax or e-mail the report required under §236.917(b).

Electronic recordkeeping is also permitted under Subpart I. Under § 236.1011, railroads are permitted to submit the PTCIP information electronically. FRA expects each PTCIP to include various highly specific and descriptive elements relating to each railroad's infrastructure and operations. FRA recognizes manual assembly of each piece of data into a PTCIP may be exceptionally onerous and time consuming and may make the PTCIP prone to errors. In light of the foregoing, and due to the statutory requirement that

Congress be apprised on the progress of the railroad carriers in implementing their PTC systems, FRA believes that electronic submission of much of this information may be warranted and preferred. To facilitate collection of this data, FRA is accepting the submission of this data in electronic format.

In particular, FRA believes that the preferred, least costly, and least error-prone method to comply with § 236.1011 is for railroads to submit an electronic geographic digital system map containing the segment attribute information in shape file format, which is a data format structure compatible with most Geographic Information System (GIS) software packages. Using a GIS format provides an efficient means for organizing basic transportation-related geographic data to facilitate the input, analysis, and display of transport networks. Railways around the world rely on GIS to manage key information for rail operations, maintenance, asset management, and decision support systems. As previously noted, FRA believes that many railroads have already identified track segments, and their physical and operational characteristics, in shape file format.

Additionally, the notifications required under § 236.1023 may be made electronically and the records required to be retained under § 236.1037(a) and § 236.1037(c), which pertain to the results of inspections and tests specified in each railroad's PTCSP and PTCDP, may be kept electronically, subject to approval by FRA. Finally, the training records required under §§ 236.1043–236.1049 may be kept electronically.

Furthermore, railroads must submit their Annual and Quarterly PTC Progress Reports using FRA's Secure Information Repository (SIR) at <https://sir.fra.dot.gov>. Many railroads have used the SIR website to submit their PTCIPs, revised PTCIPs, PTC Safety Plans, and other PTC-related filings. FRA will assist any railroad that has not created an account on the SIR website to help the railroad obtain access efficiently. To expedite the collection and dissemination of information by the railroad, FRA provided railroads with a specific form for the Annual PTC Progress Report (Form FRA F 6180.166), the Quarterly PTC Progress Report (Form FRA F 6180.165), and the Statutory Notification of PTC System Failures (Form FRA F 6180.177).

To provide clarity and precision regarding the reporting requirement under 49 CFR § 236.1029(h), FRA developed a proposed, Excel-based Biannual Report of PTC System Performance (Form FRA F 6180.152) that railroads would utilize to satisfy the proposed reporting requirements. This form would incorporate the information currently required under 49 CFR § 236.1029(h) and the additional types of information specified in the proposed NPRM.

To date, FRA's PTC expert estimates that approximately 100 percent of required Subpart I documents have been submitted electronically to the agency.

4. Efforts to identify duplication.

To FRA's knowledge, these information collection requirements are not duplicated anywhere else. Similar data are not available from any other source.

5. Efforts to minimize the burden on small businesses.

Respondents will be individual railroads mandated to provide this information under 49 U.S.C. § 20157. While some of those railroads are smaller, short-line railroads that may qualify as small businesses, most are larger freight or passenger railroads that do not qualify as small businesses. Therefore, the burden to small businesses should be negligible. Furthermore, the proposed regulation allows railroads to consolidate RFA submissions, which may reduce the burden for smaller entities, which would otherwise need to create some mechanism to catalog this information on their own.

The "universe" of the entities under consideration includes only those small entities that can reasonably be expected to be directly affected by the provisions of this rule. In this case, the "universe" will be Class III freight railroads that operate on rail lines that are currently required to have PTC systems installed. Such lines are owned by railroads not considered to be small.

The U.S. Small Business Administration (SBA) has authority to regulate issues related to small businesses, and stipulates in its size standards that a "small entity" in the railroad industry is a for-profit "line-haul railroad" that has fewer than 1,500 employees, a "short line railroad" with fewer than 500 employees, or a "commuter rail system" with annual receipts of less than seven million dollars. See "Size Eligibility Provisions and Standards," 13 CFR part 121, subpart A.

The proposed rule would directly apply to all host railroads subject to 49 U.S.C. 20157, including, in relevant part, 5 Class II or III, short line, or terminal railroads, and 23 intercity passenger railroads or commuter railroads, some of which may be small entities.

The proposed RFA process would allow railroads to make enhancements and necessary changes to their PTC systems more efficiently. FRA understands that only 5 of the current PTC-mandated host railroads are small entities; however, as this proposed rule would reduce the regulatory costs and hourly burdens on these railroads, the proposed changes would result in a positive impact on those railroads.

FRA is also proposing to amend the reporting requirement under paragraph 236.1029(h) by increasing the frequency from annual to biannual, clarifying the types of statistics and information the reports must include, and expanding the reporting requirement to encompass positive performance-related information.² While this expanded reporting

² In addition, with respect to tenant railroads, FRA's proposed changes to § 236.1029(h) would be generally consistent with the existing regulatory requirement specifying that a tenant railroad must report a PTC system failure

requirement would double the number of submissions and increase the hourly burden, the proposed changes are necessary to enable FRA to oversee the performance and reliability of railroads' PTC systems effectively. FRA estimates that the additional costs associated with the increased reporting requirement would be more than offset by the proposed changes to section 236.1021. Furthermore, FRA assumes that as host railroads become more familiar with the reporting requirements proposed under paragraph 236.1029(h), the hourly burden per submission would be reduced from 12 hours to 10 hours.

FRA has not determined whether this proposed rule would have a significant economic impact on a substantial number of small entities and is seeking comments from the public as to the impact that the proposed rule would have on small entities.

6. Impact of less frequent collection of information.

This information collection activity is essential to effectuate FRA oversight of railroads' implementation of PTC under 49 U.S.C. § 20157. Under the PTCEI Act, railroads will have the burden of collecting, cataloging, and presenting this information in some form, including the required annual report and information required by FRA to perform compliance reviews, regardless of whether or not a form is provided. See 49 U.S.C. §§ 20107, 20157(c)(1)–(2); 49 CFR §§ 236.1006(b)(2), 236.1009(h), 236.1011(f). In addition, FRA must submit a report to Congress on each railroad's progress toward implementing PTC by July 1, 2018, under the PTCEI Act, and FRA intends to report to Congress at least once before that date. See 49 U.S.C. § 20157(d). Current and detailed information from the industry will be essential to preparing accurate and robust reports for Congress.

If the information required under Subpart H and Subpart I were not collected, or collected less frequently, FRA believes its ability to maintain rail safety in the United States might be seriously jeopardized. New, more cost-effective (processor-based) signal and train control systems, which can increase current safety levels, are now emerging. These new systems can also improve train travel times and make rail transportation more attractive for greater numbers of people, as well as reduce the time required to ship goods. In order to fulfill its primary mission as well as the statutory mandate under 49 U.S.C. § 20157, FRA needs to be able to make accurate and informed determinations that proposed PTC systems meet a crucial high-level performance standard before carriers design and deploy these systems. It is essential, therefore, that FRA obtain extensive documentation of the safety of "PTC" systems, as well as subsystems and components thereof, before any "PTC" system is placed in revenue service in order to confirm that rail carriers meet this high-level performance standard. The required information, particularly the risk assessment data, can be used by FRA as a basis to measure and identify the likelihood of a hazardous event and the potential for the system to function as intended, as well as to

or cut out to "a designated railroad officer of the *host railroad* as soon as safe and practicable." *See* § 236.1029(b)(4) (emphasis added).

confirm compliance with the performance standard.

If FRA were unable to collect the required information or to collect it less frequently than stipulated, there might be more incidents of train-to-train collisions like the ones in Graniteville, South Carolina, and Chatsworth, California, with multiple accompanying injuries and fatalities. Also, if FRA were unable to collect the required information and carefully review it, “PTC” systems might be put into place or installed at unauthorized/improper locations. This could result in other accidents/incidents, including train derailments, with corresponding casualties that could have been prevented.

Without the required information, FRA could not be assured that railroads establish and implement a PTC training program. Also, if FRA were unable to collect this information, FRA would have no way to know that essential personnel responsible for installing, operating, maintaining, modifying, inspecting, repairing, and testing safety-critical elements of systems were properly trained to carry out their assigned duties regarding vital PTC systems. Without the ability to oversee the adoption and implementation of each railroad’s required PTC training program and the proper training of its personnel, there would most likely be increased numbers of accidents/incidents, such as those mentioned above, with even greater numbers of injuries and fatalities to train crews, roadway and other rail (signal) workers, and members of the traveling public. The core part of FRA’s safety program is to reduce, to the greatest extent possible, the annual number of rail collisions and derailments that cause loss of life and serious injuries, severe damage to rail equipment, and damage to the natural environment and to surrounding communities whenever a rail accident/incident occurs.

In sum, the collection of information serves to meet the congressional mandate enunciated in 49 U.S.C. § 20157 and advances the goal of enhancing rail safety nationwide. In this, it assists both DOT and FRA in fulfilling the top Departmental/agency goal.

7. Special circumstances.

Under § 236.917(b), railroads may have to report information to FRA more often than quarterly if the frequency of the safety-relevant hazards exceeds the threshold set forth in the Product Safety Plan (PSP). Once the product is placed in service, railroads must report the inconsistency to the FRA Director, Office of Safety Assurance and Compliance, at agency headquarters within 15 days of discovery. Railroads are also required to provide a final report to the FRA Director, Office of Safety Assurance and Compliance, on the results of the analysis and countermeasures taken to reduce the frequency of the safety-relevant hazard(s) below the threshold set forth in the PSP when the problem is resolved.

Additionally, under § 236.917(a), railroads must retain at a designated office: (i) for the life cycle of the product adequate documentation to demonstrate that the PSP meets the safety requirements of the Railroad’s Safety Program Plan (RSPP) and applicable

standards in this subpart, including the risk assessment; and (ii) An Operations and Maintenance Manual, pursuant to § 236.919; and (iii) training records pursuant to § 236.923(b).

Furthermore, under § 236.1005(g)(1)(ii), written or telephonic notification to FRA of temporary emergency rerouting of trains equipped with a PTC system onto a track not equipped with a PTC system and of trains not equipped with a PTC system onto a track equipped with a PTC system must be made within one business day of the beginning of the rerouting. Also, under § 236.1005(g)(2)(ii), temporary rerouting requests due to planned maintenance must be filed no less than 10 days prior to the planned rerouting. Both requirements and any additional requirements under the temporary rerouting provisions are to ensure rail safety and prevent avoidable collisions and derailments, and any required requests and/or notifications may be submitted electronically.

Moreover, under § 236.1037(d), if the frequency of safety-relevant hazards exceeds the threshold set forth in either the PTCDP or PTCSP, reports of the inconsistency must be made in writing by mail, facsimile, e-mail, or hand delivery to FRA within 15 days of discovery. Again, this is to ensure rail safety, and electronic reports are permitted.

Finally, under § 236.1043(b), employers must retain training records of those persons who are qualified under this section until new designations are recorded, or for at least one year after such persons leave applicable service. These records are necessary so that FRA inspectors can verify that employees are properly trained and qualified to perform their duties related to the installation, repair, modification, inspection, and testing of PTC systems and safety-critical elements of the railroad's PTC system. These records are also essential for FRA/NTSB investigators in the event of a rail accident/incident. All other reporting and recordkeeping requirements 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 20, 2020, titled Positive Train Control Systems soliciting comments on the proposed rule and its accompanying information collection requirements from the regulated community, the general public, and interested parties.³ 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 payments, gifts, or other types of remuneration to respondents.

10. Assurance of confidentiality.

³ 85 FR 82400.

FRA fully complies with all laws pertaining to confidentiality, including the Privacy Act of 1974. With respect to the three forms:

The statutory mandate specifically requires that FRA publicly release railroads' Annual PTC Progress Reports (Form FRA F 6180.166). See 49 U.S.C. § 20157(c)(3). FRA also voluntarily publishes railroads' Quarterly PTC Progress Reports (Form FRA F 6180.165) on FRA's website at <https://railroads.dot.gov/train-control/ptc/ptc-annual-and-quarterly-reports>. In addition, each quarter, FRA posts detailed infographics depicting railroads' self-reported progress toward fully implementing FRA-certified and interoperable PTC systems at <https://www.fra.dot.gov/ptc>.

The statutory mandate does not require that FRA publicly release the Statutory Notifications of PTC System Failures (Form FRA F 6180.177) that railroads submit under 49 U.S.C. § 20157(j)(4). However, please note that if FRA decides in the future to voluntarily post any of this failure-related information on its website, FRA would be limited to a certain extent by any requests for confidentiality that railroads submit pursuant to 49 CFR § 209.11.

Under 49 CFR §§ 209.11 and 236.1009(e)(3), a railroad may request confidentiality of its PTC-related filings. However, if FRA does not believe the information is confidential, or if another party seeks such information under § 209.11 (invoking the Freedom of Information Act), FRA will perform a review to determine whether it should be disclosed. Until such time, to the extent required by law, FRA will honor each railroad's request for confidentiality, especially if the railroad complies with the requirements under § 209.11, including proper markings, labels, redactions, and a statement justifying nondisclosure. If the information, however, is somehow changed to reduce or eliminate its connection to a single source (e.g., aggregating numbers across all railroads to develop a national or regional total), it is likely no longer protected as confidential.

Furthermore, FRA requires an additional version of the document under 49 CFR § 236.1009(e)(3) to assist FRA in efficiently and correctly reviewing confidential information. Under § 209.11, a redacted and an un-redacted copy of the same document must be submitted. When FRA review is required to determine whether confidentiality should be afforded, FRA personnel must painstakingly compare side-by-side the two versions to determine what information has been redacted. This process may result in information for which exemption from disclosure is being requested to be misidentified. To reduce this burden and to ensure that the intellectual property of the railroad and their suppliers is appropriately guarded, FRA requires any material submitted for confidential treatment under 49 CFR § 236.1009 to include a third version that would indicate, without fully obscuring, the redacted portions for which protection is requested. For instance, to indicate without obscuring the plan's redacted portions, the railroad may use the highlighting, underlining, or strikethrough functions of its word processing program. This

document will also be treated as confidential under § 209.11.

FRA is allowing the submission of an adequate GIS shapefile to fulfill some of the PTCIP content requirements under § 236.1011. However, with respect to requesting confidential treatment of specific information contained in a GIS shapefile, which includes primarily map data, FRA recognizes that visually blocking out the information would defeat the purpose. For instance, a black dot over a particular map location, or a black line over a route, would reveal the location. Thus, FRA expects that a railroad seeking confidential treatment for portions of a GIS shapefile will submit three versions of the shapefile to comply with 49 CFR § 236.1009(e). Alternatively, a single shapefile can include three separate layers each representing the three levels of confidentiality, with specific instructions indicating which elements are being displayed and how to handle the file for confidentiality purposes. FRA also expects that the version for public consumption would not include the information for which the railroad is seeking confidential treatment.

11. Justification for any questions of a sensitive nature.

The information sought relates only to PTC implementation statutory compliance and is authorized by statute and regulation. Thus, there are no questions of personal or sensitive nature.

12. Estimate of burden hours for information collected.

In the following table, estimates for the respondent universe, annual responses, and average time per responses are based on the experience and expertise of FRA's Signal and Train Control Division.

The total annual burden hours, under the fourth column, is calculated by multiplying total annual responses by average time per responses. For example, 10 expedited applications * 5 hours = 50 hours.

The dollar equivalent cost is derived from the 2019 STB Full Year Wage A&B data series using the appropriate employee group hourly wage rate that includes a 75-percent overhead charge. For Executives, Officials, and Staff Assistants, this cost amounts to \$120 per hour. For Professional/Administrative staff, this cost amounts to \$77 per hour.

The total cost equivalent, under the fifth column, is calculated by multiplying total annual burden hours by the appropriate employee group hourly wage rate that includes a 75-percent overhead charge. For example, 50 hours * \$77 = \$3,850. FRA is 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 railroad executives, officials, and staff assistants, the hourly wage rate is \$120 per hour ($\$68.81 * 1.75 = \120). For professional and administrative staff, the hourly wage rate is \$77 per hour ($\$44.27 * 1.75 = \77).

Note: The hourly wage rate of \$77 was used to calculate total cost equivalent for all items except for §§ 236.913(a), 236.1001(b), 236.1007(c), 236.1007(d), 236.1009(a)(2), and 236.1009(a)(3) which is \$120.

CFR Section/Subject	Respondent universe	Total annual responses (A)	Average time per responses (B)	Total annual burden hours (C) = A * B ⁴	Total cost equivalent (D) = C * wage rate ⁸	Section Analyses and Estimates
229.135(b) – Event recorders	The burden for these provisions are included under that of § 236.907 relating to the Product Safety Plan (PSP) and under § 236.1015 relating to the PTC Safety Plan. Consequently, there is no additional burden associated with these requirements.					
234.207 – Adjustment, repair, or replacement of component.	The burden for this requirement is included under OMB No. 2130-0534. Consequently, there is no additional burden associated with this requirement.					
234.275 - Processor-based systems	The burden for the first part of this requirement regarding the Product Safety Plan (PSP) is included under that of § 236.907. The burden for PTCDPs and PTCSPs are included under that of § 236.1013 and § 236.1015, respectively. Consequently, there is no additional burden associated with it.					
235.6(c) – Expedited application for approval of certain changes described in this section	42 railroads	10 expedited applications	5 hours	50 hours	\$3,850	The resultant arrangement of any change under this section shall comply with part 236 of this chapter, instead of under §§ 235.5 and 235.9-235.20 for the following changes: (1) Modification of a signal system consisting of the installation, relocation, or removal of one or more signals, interlocked switches, derails, movable-point

⁴ Totals may not add due to rounding

						<p>frogs, or electric locks in an existing system directly associated with the implementation of PTC pursuant to Subpart I of Part 236, if the modification does not include the discontinuance or decrease of limits of a signal or train control system.</p> <p>FRA estimates that it will take approximately 5 hours to complete each expedited application with the necessary information.</p>
– Copy of expedited application to labor union	42 railroads	10 copies	30 minutes	5 hours	\$385	FRA estimates that one (1) copy of each of the 10 expedited application requests (with the necessary notice and profile plan) will be provided to the Headquarters of the Railroad Signalmen’s Union or BRS (Brotherhood of Railroad Signalmen). It is estimated that it will take approximately 30 minutes to complete each modification request copy.
– Railroad letter rescinding its request for expedited application of certain signal system changes	42 railroads	1 letter	6 hours	6 hours	\$462	FRA estimates that approximately 1 letter rescinding a request for expedited application of certain signal system changes will be made by railroads and sent to FRA. It is estimated that it will take approximately six (6) hours to complete each rescindment letter.
– Revised application for certain signal system changes	42 railroads	1 application	5 hours	5 hours	\$385	FRA estimates that approximately 1 revised application for approval of certain signal system changes that include the required notice, profile plan, and statement will be sent to FRA under §§ 235.5 and 235.9–235.20. It is estimated that it will take approximately 5 hours to complete each revised application with the necessary information.
– Copy of railroad revised application to labor union	42 railroads	1 copy	30 minutes	0.5 hours	\$39	FRA estimates that 1 copy of the revised application request (with the necessary notice and profile plan) will be provided to the Headquarters of the Railroad Signalmen’s Union or Brotherhood of Railroad Signalmen. It is estimated that it will take approximately 30 minutes to complete a modification

						request copy.
236.0 - Applicability, minimum requirements, and penalties	The burden for this requirement is included under that of § 236.1009. Consequently, there is no additional burden associated with this requirement.					
236.1 – Railroad maintained signal plans at all interlockings, automatic signal locations, and controlled points, and updates to ensure accuracy	700 railroads	25 plan changes	15 minutes	6.3 hours	\$485	As required for maintenance, plans shall be kept at all interlockings, automatic signals and controlled points. Plans shall be legible and correct. FRA estimates that it will take approximately 15 minutes to complete each plan update.
236.15 – Designation of automatic block, traffic control, train stop, train control, cab signal, and PTC territory in timetable instructions	700 railroads	10 timetable instructions	30 minutes	5 hours	\$385	Automatic block, traffic control, train stop, train control, cab signal, and PTC territory shall be designated in timetable instructions. FRA estimates that that it will take approximately 30 minutes to complete each timetable instruction.
236.18 – Software management control plan – New railroads	2 railroads	2 plans	160 hours	320 hours	\$24,640	Within six (6) months of June 6, 2005, each railroad must develop and adopt a software management control plan for its signal and train control systems. A railroad commencing operations after June 6, 2005, must adopt a software management control plan for its signal and train control systems prior to commencing operations. Within 30 months of the completion of the software management control plan, each railroad must have fully implemented such plan. FRA estimates that the Class II railroads and Class III railroads affected by the above requirement have prepared and adopted a software management control plan. Therefore, only new or existing Class II and Class III railroads that become subject to this requirement would be affected. Consequently, it is estimated that approximately two (2) railroads per

						year will be affected and that will need to prepare and adopt software management control plans. It is estimated that it will take each railroad approximately 160 hours to develop its software management control plan.
236.23(e) – The names, indications, and aspects of roadway and cab signals shall be defined in the carrier’s Operating Rule Book or Special Instructions. Modifications shall be filed with FRA within 30 days after such modifications become effective	700 railroads	2 modifications	1 hour	2 hours	\$154	The names, indications, and aspects of roadway and cab signals shall be defined in the carrier's Operating Rule Book or Special Instructions. Modifications shall be filed with the FRA within thirty days after such modifications become effective. FRA estimates that it will take about an hour for each modification.
236.110 - Results of tests	The burden for this requirement is included under OMB No. 2130-0006. Consequently, there is no additional burden associated with this requirement.					
236.587(d) – Certification and departure test results	742 railroads	4,562,500 train departures	5 seconds	6,336.8 hours	\$487,949	(d)(1) Whoever performs the test shall certify in writing that such test was properly performed. The certification and the test results shall be posted in the cab of the locomotive and a copy of the certification and test results left at the test location for filing in the office of the supervisory official having jurisdiction. (2) If it is impractical to leave a copy of the certification and test results at the location of the test, the test results shall be transmitted to either (i) the dispatcher or (ii) one other designated individual at each location, who shall keep a written record of the test results and the name of the person performing the test. These records shall be retained for at least 92 days.

						FRA estimates that it will take about 5 seconds to record each departure.
236.905(a) – Railroad Safety Program Plan (RSPP) – New railroads	2 railroads	2 RSPPs	40 hours	80 hours	\$6,160	<p>A railroad subject to this subpart shall develop a Railroad Safety Program Plan (RSPP), subject to FRA approval, that serves as its principal safety document for all safety-critical products. The RSPP must establish the minimum Product Safety Plan (PSP) requirements that will govern the development and implementation of all products subject to this subpart, consistent with the provisions contained in § 236.907.</p> <p>FRA estimates that – at this point – all railroads affected by the above requirement have completed their plan. But, a new or existing Class II or Class III railroad may be subject to the requirement, and FRA estimates two per year.</p> <p>FRA estimates that it will take approximately 40 hours to meet all the above requirements and for the assigned railroad person to write the petition.</p>
236.907 – Product Safety Plans (PSP)	The burden for this requirement is included under § 236.913(c1) - (c2). Consequently, there is no additional burden associated with this requirement.					
236.909 - Minimum performance standard	The burden for this requirement is included under § 236.913(d). Consequently, there is no additional burden associated with this requirement.					

236.913(a) – Filing and approval of a joint Product Safety Plan (PSP)	742 railroads	1 joint plan	2,000 hours	2,000 hours	\$240,000	<p>A PSP must be prepared for each product covered by this subpart. A joint PSP must be prepared when: (1) The territory on which a product covered by this subpart is normally subject to joint operations, or is operated upon by more than one railroad; and (2) The PSP involves a change in method of operation.</p> <p>FRA estimates that it will take approximately 2,000 hours to write each joint PSP and notification.</p>
(c)(1) – Informational filing/petition for special approval	742 railroads	0.5 filings/approval petitions	50 hours	25 hours	\$1,925	<p>Not less than 180 days prior to planned use of the product in revenue service as described in the PSP or PSP amendment, the railroad shall submit an informational filing to the Associate Administrator for Safety, FRA, 1200 New Jersey Avenue, SE., Mail Stop 25, Washington, DC 20590. The informational filing must provide a summary description of the PSP or PSP amendment, including the intended use of the product, and specify the location where the documentation as described in §236.917(a)(1) is maintained.</p> <p>FRA estimates that it will receive approximately one informational filing every two years with the necessary information under the above requirement</p> <p>FRA estimates that it will take approximately 50 hours to write an informational filing.</p>
(c)(2) – Response to FRA’s request for further data after informational filing	742 railroads	0.25 data calls/documents	5 hours	1.3 hour	\$77	<p>Within 60 days of receipt of the informational filing, FRA: (i) Acknowledges receipt of the filing; (ii) Acknowledges receipt of the informational filing and requests further information; or (iii) Acknowledges receipt of the filing and notifies the railroad, for good</p>

						<p>cause, that the filing will be considered as a petition for approval as set forth in paragraph (d) of this section, and requests such further information as may be required to initiate action on the petition.</p> <p>FRA estimates that it will request further information in approximately 0.25 instances under the above requirement. It is estimated that it will take approximately 5 hours to gather the necessary information and complete the documentation.</p>
(d)(1)(ii) – Response to FRA’s request for further information within 15 days after receipt of the Notice of Product Development (NOPD)	742 railroads	0.25 data calls/documents	1 hour	0.3 hours	\$19	<p>Within 15 days of receipt of the Notice of Product Development, the Associate Administrator for Safety either acknowledges receipt, or acknowledges and requests more information.</p> <p>FRA estimates that it will receive approximately one data call every two years with the necessary information under the above requirement and it will take approximately one (1) hour to complete each document and sent them to FRA.</p>
(d)(1)(iii) – Technical consultation by FRA with the railroad on the design and planned development of the product	742 railroads	0.25 technical consultations	5 hours	1.3 hour	\$100	<p>If FRA concludes the Notice of Product Development contains sufficient information, the Associate Administrator for Safety determines the extent and nature of the assessment and review necessary for final product approval. FRA may convene a technical consultation as necessary to discuss issues related to the design and planned development of the product.</p> <p>FRA estimates that each consultation will take approximately 5 hours.</p>
(d)(1)(v) – Railroad petition to FRA for final approval of NOPD	742 railroads	0.25 petitions	1 hour	0.3 hours	\$19	<p>Within 30 days of receipt of the petition for final approval, the Associate Administrator for Safety either acknowledges receipt or acknowledges receipt and requests more information.</p>

						FRA estimates it will take one (1) hour to complete this submission.
(d)(2)(ii) – Response to FRA’s request for additional information associated with a petition for approval of PSP or PSP amendment	742 railroads	1 request	50 hours	50 hours	\$3,850	<p>Within 60 days of receipt of the petition for approval, FRA either acknowledges receipt, or acknowledges receipt and requests more information.</p> <p>FRA estimates it will take 50 hours to complete this request.</p>
(e) – Comments to FRA on railroad informational filing or special approval petition	742 railroads	0.5 comments/letters	10 hours	5 hours	\$385	<p>Interested parties may submit to FRA information and views pertinent to FRA’s consideration of an informational filing or petition for approval. FRA considers comments to the extent practicable within the periods set forth in this section. In a proceeding consolidated with a proceeding under part 235 of this title, FRA considers all comments received.</p> <p>FRA estimates that it will take approximately 5 hours to complete each comment and send it to FRA.</p>
(f) – Petition for approval prior to completion of field testing of the product	The burden for this requirement is included under § 236.91. Consequently, there is no additional burden associated with this requirement.					
(h)(3)(i) – Railroad amendment to PSP	742 railroads	2 amendments	20 hours	40 hours	\$3,080	<p>A railroad may submit an amendment to a PSP at any time in the same manner as the initial PSP. Notwithstanding the otherwise applicable requirements found in this section and § 236.915, changes affecting the safety-critical functionality of a product may be made prior to the submission and approval of the PSP amendment as necessary in order to mitigate risk.</p> <p>FRA estimates that that each amendment will take</p>

						approximately 20 hours to complete and submit to FRA.
(j) – Railroad field testing/information filing document	742 railroads	1 field test document	100 hours	100 hours	\$7,700	Field testing of a product may be conducted prior to approval of a PSP by the submission of an informational filing by a railroad. The FRA will arrange to monitor the tests based on the information provided in the filing. FRA estimates that each field testing document will take approximately 100 hours to complete and submit to FRA.
236.917(a) – Railroad retention of records: results of tests and inspections specified in the PSP	13 railroads with PSP	13 PSP safety results	160 hours	2,080 hours	\$160,160	The railroad must maintain at a designated office on the railroad: (i) For the life cycle of the product, adequate documentation to demonstrate that the PSP meets the safety requirements of the railroad’s RSPP and applicable standards in this subpart, including the risk assessment; (ii) An Operations and Maintenance Manual, pursuant to § 236.919; and (iii) Training records pursuant to § 236.923(b). Results of inspections and tests specified in the PSP must be recorded as prescribed in § 236.110. Contractors of the railroad must maintain at a designated office training records pursuant to §236.923(b). FRA estimates that each of these documents will take approximately 160 hours annually to complete.
(b) – Railroad report that frequency of safety-relevant hazards exceeds threshold set forth in PSP	13 railroads	1 report	40 hours	40 hours	\$3,080	After the product is placed in service, the railroad must maintain a database of all safety-relevant hazards as set forth in the PSP and those that had not been previously identified in the PSP. FRA estimates that it will take approximately 40 hours to prepare the initial and final reports.
(b)(3) – Railroad final	13 railroads	1 report	10 hours	10 hours	\$770	The railroad must provide a final report to the FRA

report to FRA on the results of the analysis and countermeasures taken to reduce the frequency of safety-relevant hazards						<p>Director, Office of Safety Assurance and Compliance, on the results of the analysis and countermeasures taken to reduce the frequency of the safety-relevant hazard(s) below the threshold set forth in the PSP when the problem is resolved.</p> <p>FRA estimates that it will take approximately 10 hours to prepare the report and submit it to FRA.</p>
236.919(a) – Railroad Operations and Maintenance Manual (OMM)	13 railroads	1 OMM update	40 hours	40 hours	\$3,080	<p>The railroad must catalog and maintain all documents as specified in the PSP for the installation, maintenance, repair, modification, inspection, and testing of the product and have them in one Operations and Maintenance Manual, readily available to persons required to perform such tasks and for inspection by FRA and FRA certified state inspectors.</p> <p>FRA estimates that it will take approximately 40 hours to update OMM.</p>
(b) – Plans for proper maintenance, repair, inspection, and testing of safety-critical products	13 railroads	1 plan update	40 hours	40 hours	\$3,080	<p>Plans required for proper maintenance, repair, inspection, and testing of safety-critical products must be adequate in detail and must be made available for inspection by FRA and FRA certified state inspectors where such products are deployed or maintained. They must identify all software versions, revisions, and revision dates. Plans must be legible and correct.</p> <p>FRA estimates that that the plan will take approximately 40 hours to complete.</p>
(c) – Documented hardware, software, and firmware revisions in OMM	13 railroads	1 revision	40 hours	40 hours	\$3,080	<p>Hardware, software, and firmware revisions must be documented in the Operations and Maintenance Manual according to the railroad’s configuration management control plan and any additional</p>

						<p>configuration/revision control measures specified in the PSP.</p> <p>FRA estimates that approximately one hardware, software, and firmware revision/modification will be documented in the Operation and Maintenance Manual under the above requirement. It is estimated that it will take approximately 40 hours to prepare and document each hardware, software, and firmware revision.</p>
236.921 and 923(a) – Railroad Training and Qualification Program	13 railroads	1 program	40 hours	40 hours	\$3,080	<p>Employers must establish and implement training and qualification programs for products subject to this subpart. These programs must meet the minimum requirements set forth in the PSP and in §§ 236.923 through 236.929 as appropriate, for the following personnel: (1) through (4) of this section.</p> <p>FRA estimates that approximately one new training and qualifications program subject to this part annually. It is estimated that it will take approximately 40 hours to establish the training program under this provision.</p>
236.923(b) – Training records retained in a designated location and available to FRA upon request	13 railroads	350 records	10 minutes	58.3 hours	\$4,466	<p>The employer’s program must provide training for persons who perform the functions described in paragraph (a) of this section to ensure that they have the necessary knowledge and skills to effectively complete their duties related to processor-based signal and train control equipment.</p> <p>FRA estimates that approximately 350 records will need to be stored annually. It is estimated that it will take approximately 10 minutes to retain each record.</p>
Form FRA F 6180.165	35 railroads	11.7	23.22	271.7	\$20,867	FRA uses the quarterly report to track railroads’

– Quarterly PTC Progress Report (49 U.S.C. 20157(c)(2)) ⁵		reports/forms	hours	hours		<p>progress toward, and compliance with, the core quantitative implementation elements and goals, some of which are included in each railroad’s revised PTCIP. The quarterly frequency allows FRA to monitor railroads’ progress and compliance with their revised PTCIPs, to identify potential trends, and to manage FRA’s technical assistance and intervention to gain compliance.</p> <p>FRA estimates it will take approximately 22.22 hours per railroad to complete each report/form.</p>
Form FRA F 6180.166 – Annual PTC Progress Report (49 U.S.C. 20157(c)(1) and 49 CFR 236.1009(a)(5)) ⁶	35 railroads	11.7 reports/forms	40.12 hours	469.4 hours	\$36,036	<p>FRA uses the annual form to monitor railroads’ progress toward fully implementing FRA-certified and interoperable PTC systems on the approximately 57,855 route miles subject to the statutory mandate.</p> <p>FRA estimates it will take approximately 40.12 hours per railroad to complete each report/form.</p>
Form FRA F 6180.177 – Statutory Notification of PTC System Failures (Under 49 U.S.C. 20157(j)(4)) ⁷	38 railroads	144 reports/forms	1 hour	144 hours	\$11,088	<p>FRA uses this form to identify the number of PTC system initialization failures, cut outs, and malfunctions by state and subdivision. It is also enables FRA to closely monitor trends in PTC system reliability throughout the country and focus its resources, for example, on any areas where such failures are occurring at a high rate.</p> <p>FRA estimates it will take approximately one (1) hour per railroad to complete each report/form.</p>
236.1001(b) – A	38 railroads	1 rule or	40 hours	40 hours	\$4,800	Each railroad may prescribe additional or more

⁵ A railroad’s final Quarterly PTC Progress Report (Form FRA F 6180.165) will be due on January 31, 2021, assuming the railroad fully implements an FRA-certified and interoperable PTC system by the statutory deadline of December 31, 2020.

⁶ A railroad’s final Annual PTC Progress Report (Form FRA F 6180.166) will be due on March 31, 2021, assuming it fully implements an FRA-certified and interoperable PTC system by the statutory deadline of December 31, 2020.

⁷ The temporary Statutory Notification of PTC System Failures (Form FRA F 6180.177) expires by law on approximately December 31, 2021. See 49 U.S.C. 20157(j).

railroad's additional or more stringent rules than prescribed under 49 CFR part 236, subpart I		instruction				stringent rules, and other special instructions, that are not inconsistent with this subpart. FRA estimates that approximately one railroad will develop additional or more stringent rules under the above requirement. It is estimated that it will take approximately 40 hours to develop the additional or more stringent rules document.
236.1005(b)(4)(i)–(ii) – A railroad's submission of estimated traffic projections for the next 5 years, to support a request, in a PTCIP or an RFA, not to implement a PTC system based on reductions in rail traffic	The burden is accounted for under 49 CFR 236.1009(a) and 236.1021.					
(b)(4)(iii) – A railroad's request for a <i>de minimis</i> exception, in a PTCIP or an RFA, based on a minimal quantity of PIH materials traffic	7 Class I railroads	1 exception request	40 hours	40 hours	\$3,080	<u>Freight lines with de minimis risk not used for regularly provided intercity or commuter passenger service.</u> (A) In a PTCIP or RFA, a railroad may request review of the requirement to install a PTC system on a track segment where a PTC system is otherwise required by this section, but has not yet been installed, based upon the presence of a minimal quantity of PIH materials traffic. Any such request shall be accompanied by estimated traffic projections for the next five (5) years (e.g., as a result of planned rerouting, coordination, or location of new business on the line) (D) Failure to submit sufficient information will result in the denial of any request under this paragraph (b)(4)(ii). If the request is granted, on and after the date the line would have otherwise been required to be equipped under the schedule contained in the PTCIP and approved by FRA, operations on the line shall be conducted in

						<p>accordance with any conditions attached to the grant, including implementation of proposed mitigations as applicable.</p> <p>FRA estimates that one exception request will be done annually. It is estimated that it will take approximately 40 hours to complete the exception request.</p>
(b)(5) – A railroad’s request to remove a line from its PTCIP based on the sale of the line to another railroad and any related request for FRA review from the acquiring railroad	The burden is accounted for under 49 CFR 236.1009(a) and 236.1021.					
(g)(1)(i) – A railroad’s request to temporarily reroute trains not equipped with a PTC system onto PTC-equipped tracks and vice versa during certain emergencies	38 railroads	45 rerouting extension requests	8 hours	360 hours	\$27,720	<p>In the event of an emergency—including conditions such as derailment, flood, fire, tornado, hurricane, or other similar circumstance outside of the railroad’s control—that would prevent usage of the regularly used track if: (i) the rerouting is applicable only until the emergency condition ceases to exist and for no more than 14 consecutive calendar days, unless otherwise extended by approval of the Associate Administrator.</p> <p>FRA estimates that there will be approximately 45 reroutes a year that will fall into the circumstance listed above. It is estimated that it will take approximately eight (8) hours to gather the necessary information and complete the extension request and send it to FRA.</p>
(g)(1)(ii) – A railroad’s written or telephonic notice of the conditions	38 railroads	45 written or telephonic notices	2 hours	90 hours	\$6,930	The railroad provides written or telephonic notification to the applicable SMT of the information listed in paragraph (i) within one

necessitating emergency rerouting and other required information under 236.1005(i)						<p>business day of the beginning of the rerouting made in accordance with this paragraph; and (iii) the conditions under paragraph (j) of this section are followed.</p> <p>FRA estimates that approximately 45 written or telephonic notifications to the applicable SMT of the information listed in paragraph (i) will be made under the above requirement. It is estimated that it will take approximately two (2) hours to complete each written or telephonic notification.</p>
(g)(2) – A railroad’s temporary rerouting request due to planned maintenance not exceeding 30 days	38 railroads	720 requests	8 hours	5,760 hours	\$443,520	<p>In the event planned maintenance that would prevent usage of the regularly used track if: (i) the maintenance period does not to exceed 30 days; (ii) a request is filed with the applicable Regional Administrator in accordance with paragraph (i) of this section no less than 10 days prior to the planned rerouting; and (iii) the conditions contained in paragraph (j) of this section are followed.</p> <p>FRA estimates that approximately 720 temporary rerouting requests will be filed with each of the eight applicable SMTs in accordance with paragraph (i) of this section. It is estimated that it will take approximately eight (8) hours to gather the necessary information and complete each rerouting request.</p>
(h)(1) – A response to any request for additional information from FRA, prior to commencing rerouting due to planned maintenance	38 railroads	10 requests	2 hours	20 hours	\$1,540	<p>For the purposes of paragraph (g)(2) of this section, the rerouting request shall be self-executing unless the applicable SMT responds with a notice disapproving of the rerouting or providing instructions to allow rerouting. Such instructions may include providing additional information to the SMT or Associate Administrator prior to the commencement of rerouting. Once the SMT</p>

						<p>responds with a notice under this paragraph, no rerouting may occur until the SMT or Associate Administrator provides his or her approval.</p> <p>FRA estimates approximately 10 requests will be submitted annually. It is estimated that it will take approximately 2 hours to complete each request.</p>
(h)(2) – A railroad’s request to temporarily reroute trains due to planned maintenance exceeding 30 days	38 railroads	160 requests	8 hours	1,280 hours	\$98,560	<p>In the event the temporary rerouting described in paragraph (g)(2) of this section is to exceed 30 consecutive calendar days: (i) The railroad shall provide a request in accordance with paragraphs (i) and (j) of this section with the Associate Administrator no less than 10 business days prior to the planned rerouting; and (ii) The rerouting shall not commence until receipt of approval from the Associate Administrator.</p> <p>FRA estimates that approximately 160 rerouting requests will be filed with the Associate Administrator no less than 10 business days prior to the planned rerouting. It is estimated that it will take approximately eight (8) hours to gather the necessary information and complete each rerouting request.</p>
236.1006(b)(4)(iii)(B) – A progress report due by December 31, 2020, and by December 31, 2022, from any Class II or III railroad utilizing a temporary exception under this section	262 railroads	5 reports	16 hours	80 hours	\$6,160	<p>To the extent any movement exceeds 20 miles in length, such movement is not permitted without the controlling locomotive being equipped with an onboard PTC system after December 31, 2023, and each applicable Class II or III railroad shall report to FRA its progress in equipping each necessary locomotive with an onboard PTC apparatus to facilitate continuation of the movement. The progress reports shall be filed not later than December 31, 2020 and, if all necessary locomotives are not yet equipped, on December 31, 2022.</p>

						FRA estimates that it will receive approximately 5 reports each year under the above requirement. It is estimated that it will take approximately 16 hours to gather the necessary information and to complete each report.
(b)(5)(vii) – A railroad’s request to utilize different yard movement procedures, as part of a freight yard movements exception	The burden is accounted for under 49 CFR 236.1015 and 236.1021.					
236.1007(b)(1) – For any high-speed service over 90 miles per hour (mph), a railroad’s PTC Safety Plan (PTCSP) must additionally establish that the PTC system was designed and will be operated to meet the fail-safe operation criteria in Appendix C	The burden is accounted for under 49 CFR 236.1015 and 236.1021.					
(c) – An HSR-125 document accompanying a host railroad’s PTCSP, for operations over 125 mph	38 railroads	1 HSR-125 document	3,200 hours	3,200 hours	\$384,000	In addition to the requirements of paragraphs (a) and (b) of this section, a host railroad that conducts a freight or passenger operation at more than 125 miles per hour shall have an approved PTCSP accompanied by a document (“HSR-125”) establishing that the system: (1) through (2) of this section. FRA estimates that approximately one approved PTCSP will be accompanied by an “HSR-125” document under the above requirement. It is estimated that it will take approximately 3,200 hours

						to complete each “HSR-125” document.
(c)(1) – A railroad’s request for approval to use foreign service data, prior to submission of a PTCSP	38 railroads	0.3 requests	8,000 hours	2,666.7 hours	\$205,359	FRA estimates that approximately one request every three years to use foreign service data before submittal of the PTCSP will be made under the above requirement. It is estimated that it will take approximately 8,000 hours to gather the foreign service data and complete each request.
(d) – A railroad’s request in a PTCSP that FRA excuse compliance with one or more of this section’s requirements	38 railroads	1 request	1,000 hours	1,000 hours	\$120,000	In addition to the requirements of paragraphs (a) through (c) of this section, a host railroad that conducts a freight or passenger operation at more than 150 miles per hour, which is governed by a Rule of Particular Applicability, shall have an approved PTCSP accompanied by a HSR-125 developed as part of an overall system safety plan approved by the Associate Administrator. FRA estimates that approximately one PTCSP be accompanied by “HSR-125” documents will be submitted under the above requirement. It is estimated that it will take approximately 1,000 hours to complete the PTCSP and accompanying “HSR-125 document.”
236.1009(a)(2) – A PTCIP if a railroad becomes a host railroad of a main line requiring the implementation of a PTC system, including the information under 49 U.S.C. 20157(a)(2) and 49 CFR 236.1011	264 railroads	1 PTCIP	535 hours	535 hours	\$64,200	After April 16, 2010, a host railroad shall file: (i) a PTCIP if it becomes a host railroad of a main line track segment for which it required to implement and operate a PTC system in accordance with § 236.1005(b); or (ii) a request for amendment (“RFA”) of its current and approved PTCIP in accordance with § 236.1021 if it intends to: (A) initiate a new category of service (i.e., passenger or freight); or (B) add, subtract, or otherwise materially modify one or more lines of railroad for which installation of a PTC system is required.

						FRA estimates that there will be approximately one (1) new rail start each year that will require a PTCIP under the above requirement. It is estimated that it will take 535 hours to complete each request.
(a)(3) – Any new PTCIPs jointly filed by a host railroad and a tenant railroad	264 railroads	1 joint PTCIP	267 hours	267 hours	\$32,040	<p>The host and tenant railroad(s) shall jointly file PTCIP that addresses shared track: (i) if the host railroad is required to install and operate a PTC system on a segment of its track; and (ii) if the tenant railroad that shares the same track segment would have been required to install a PTC system if the host railroad had not otherwise been required to do so.</p> <p>FRA estimates that approximately one joint PTCIP will be submitted under the above requirement. It is estimated that it will take approximately 800 hours to complete each PTCIP. However, since this is a one-time requirement and since OMB approvals are for three years, this number needs to be divided by three to accurately calculate the annual burden (800 hours divided by three = 267 hours).</p>
(b)(1) – A host railroad’s submission, individually or jointly with a tenant railroad or PTC system supplier, of an unmodified Type Approval	264 railroads	1 document	8 hours	8 hours	\$616	<p>An unmodified Type Approval previously issued by the Associate Administrator in accordance with § 236.1013 or § 236.1031(b) with its associated docket number.</p> <p>FRA estimates that approximately one unmodified previously issued Type Approvals will be filed with FRA under the above requirement. It is estimated that it will take approximately eight (8) hours to gather the necessary information and complete the document.</p>
(b)(2) – A host railroad’s submission of a PTCDP with the	264 railroads	1 PTCDP	2,000 hours	2,000 hours	\$154,000	A PTCDP requesting a Type Approval for: (i) a PTC system that does not have a Type Approval; or (ii) a PTC system with a previously issued Type Approval

information required under 49 CFR 236.1013, requesting a Type Approval for a PTC system that either does not have a Type Approval or has a Type Approval that requires one or more variances						that requires one or more variances. FRA estimates that approximately one PTCDP will be completed under the above requirement. It is estimated that each cover letter will take approximately 2,000 hours to complete each document.
(d) – A host railroad’s submission of a PTCSP	The burdens are accounted for under 49 CFR 236.1015.					
(e)(3) – Any request for full or partial confidentiality of a PTCIP, Notice of Product Intent (NPI), PTCDP, or PTCSP	38 railroads	10 confidentiality requests	8 hours	80 hours	\$6,160	Each filing referenced in this section may include a request for full or partial confidentiality in accordance with § 209.11 of this chapter. If confidentiality is requested as to a portion of any applicable document, then in addition to the filing requirements under § 209.11 of this chapter, the person filing the document shall also file a copy of the original un-redacted document, marked to indicate which portions are redacted in the document’s confidential version without obscuring the original document’s contents. FRA estimates that it will take eight (8) hours per request, totaling 80 annual hours, to complete the confidentiality request.
(h) – Any responses or documents submitted in connection with FRA’s use of its authority to monitor, test, and inspect processes, procedures, facilities, documents, records, design and testing materials, artifacts,	38 railroads	36 interviews and documents	4 hours	144 hours	\$11,088	The Associate Administrator, or that person’s designated representatives, shall be afforded reasonable access to monitor, test, and inspect processes, procedures, facilities, documents, records, design and testing materials, artifacts, training materials and programs, and any other information used in the design, development, manufacture, test, implementation, and operation of the system, as well as interview any personnel: (1) through (2) of this section.

training materials and programs, and any other information used in the design, development, manufacture, test, implementation, and operation of the PTC system, including interviews with railroad personnel						It is estimated that each interview will take approximately 4 hours to complete documentation for interviews.
(j)(2)(iii) – Any additional information provided in response to FRA’s consultations or inquiries about a PTCDP or PTCSP	38 railroads	1 set of additional information	400 hours	400 hours	\$30,800	<p>If FRA has not approved, approved with conditions, or denied the PTCDP or PTCSP within the 60-day or 180-day window, as applicable, FRA will provide the submitting party with a statement of reasons as to why the submission has not yet been acted upon and a projected deadline by which an approval or denial will be issued and any further consultations or inquiries will be resolved.</p> <p>FRA estimates that 1 set of additional information will be needed annually. FRA estimates it will take approximately 400 hours to complete.</p>
236.1011(a)–(b) – PTCIP content requirements	The burdens are accounted for under 49 CFR 236.1009(a) and (e) and 236.1021.					
(e) – Any public comment on PTCIPs, NPIs, PTCDPs, and PTCSPs	38 railroads	2 public comments	8 hours	16 hours	\$1,232	<p>Upon receipt of a PTCIP, NPI, PTCDP, or PTCSP, FRA posts on its public website notice of receipt and reference to the public docket in which a copy of the filing has been placed. FRA may consider any public comment on each document to the extent practicable within the time allowed by the law and without delaying implementation of PTC systems.</p> <p>FRA estimates that approximately 2 public comments will be received annually. It is estimated</p>

						that each comment will take approximately eight (8) hours to complete.
236.1013, PTCDP and NPI content requirements	The burdens are accounted for under 49 CFR 236.1009(b), (c), and (e) and 236.1021.					
236.1015 – Any new host railroad’s PTCSP meeting all content requirements under 49 CFR 236.1015	264 railroads	1 PTCSP	8,000 hours	8,000 hours	\$616,000	<p>This section sets forth PTC Safety Plan (PTCSP) content requirements and what each railroad must do to receive a PTC System Certification. Each PTCSP must address railroad-specific implementation issues associated with the PTC system identified by the submitted Type Approval. Each PTCSP must include a risk assessment. FRA uses this information as a basis to confirm compliance with the appropriate performance standard.</p> <p>It is estimated that it will take approximately 8,000 hours to complete each PTCSP.</p>
(g) – A PTCSP for a PTC system replacing an existing certified PTC system	38 railroads	0.3 PTCSPs	3,200 hours	1,066.7 hours	\$82,159	<p>If a PTCSP applies to a system designed to replace an existing certified PTC system, the PTCSP will be approved provided that the PTCSP establishes with a high degree of confidence that the new system will provide a level of safety not less than the level of safety provided by the system to be replaced.</p> <p>FRA estimates that it will receive approximately one PTCSP every three years under the above requirement. It is estimated that it will take approximately 3,200 hours to complete each PTCSP. The annual burden is divided amongst the one submission every three years.</p>
(h) – A quantitative risk assessment, if FRA requires one to be submitted	38 railroads	0.3 assessments	800 hours	266.7 hours	\$20,559	When reviewing the issue of the potential data errors (for example, errors arising from data supplied from other business systems needed to execute the braking algorithm, survey data needed for location determination, or mandatory directives issued through the computer-aided dispatching system), the

						<p>PTCSP must include a careful identification of each of the risks and a discussion of each applicable mitigation. In an appropriate case, such as a case in which the residual risk after mitigation is substantial or the underlying method of operation will be significantly altered, the Associate Administrator may require submission of a quantitative risk assessment addressing these potential errors.</p> <p>FRA estimates that it will receive approximately one non-quantitative risk assessment every three years with the necessary information under the above requirement. It is estimated that it will take approximately 800 hours to complete each non-quantitative risk assessment. The annual burden is divided amongst the one submission every three years.</p>
236.1017(a) – An independent third-party assessment, if FRA requires one to be conducted and submitted	38 railroads	0.3 assessments	1,600 hours	533.3 hours	\$63,960	<p>The PTCSP must be supported by an independent third-party assessment when the Associate Administrator concludes that it is necessary based upon the criteria set forth in § 236.913, with the exception that consideration of the methodology used in the risk assessment (§ 236.913(g)(2)(vii)) shall apply only to the extent that a comparative risk assessment was required. To the extent practicable, FRA makes this determination not later than review of the PTCIP and the accompanying PTCIP or PTCSP. If an independent assessment is required, the assessment may apply to the entire system or a designated portion of the system.</p> <p>In approximately one (1) case every three years, FRA estimates that the Associate Administrator will determine an independent third-party assessment is necessary and that it will be provided to the agency. It is estimated that it will take approximately 1,600</p>

						hours to complete each third-party assessment. The annual burden is divided amongst the one submission every three years.
(b) – A railroad’s written request to confirm whether a specific entity qualifies as an independent third party	38 railroads	0.3 written requests	8 hours	2.7 hours	\$231	<p>If a PTC system is to undergo an independent assessment in accordance with this section, the host railroad may submit to the Associate Administrator a written request that FRA confirm whether a particular entity would be considered an independent third party pursuant to this section. The request should include supporting information in accordance with paragraph (c) of this section. FRA may request further information to make a determination or provide its determination in writing.</p> <p>FRA estimates that it will receive approximately one (1) written request every three years with supporting information regarding independent third parties under the above requirement. It will take approximately eight (8) hours to complete each written request. The annual burden is divided amongst the one submission every three years.</p>
(c) – Further information provided to FRA upon request	38 railroads	0.3 sets of additional information	20 hours	6.7 hours	\$539	<p>As used in this section, “independent third party” means a technically competent entity responsible to and compensated by the railroad (or an association on behalf of one or more railroads) that is independent of the PTC system supplier and vendor. An entity that is owned or controlled by the supplier or vendor, that is under common ownership or control with the supplier or vendor, or that is otherwise involved in the development of the PTC system is not considered “independent” within the meaning of this section.</p> <p>Additionally, in one (1) case every three years, FRA estimates that it will request further information to make a determination or provide its determination in</p>

						writing under the above requirement. It is estimated that it will take approximately 20 hours to complete each additional information document. The annual burden is divided amongst the one submission every three years.
(d) – A request not to provide certain documents otherwise required under Appendix F for an independent, third-party assessment	38 railroads	0.3 requests	20 hours	6.7 hours	\$539	<p>The independent third-party assessment must, at a minimum, consist of the activities and result in the production of documentation meeting the requirements of Appendix F to this part, unless excepted by this part or by FRA order or waiver.</p> <p>FRA estimates that it will receive approximately one (1) waiver request every three years under the above requirement. It is estimated that it will take approximately 20 hours to complete each waiver request. The annual burden is divided amongst the one submission every three years.</p>
(e) – A request for FRA to accept information certified by a foreign regulatory entity for purposes of 49 CFR 236.1017 and/or 236.1009(i)	38 railroads	0.3 requests	32 hours	10.7 hours	\$847	<p>Information provided that has been certified under the auspices of a foreign railroad regulatory entity recognized by the Associate Administrator may, at the Associate Administrator’s discretion, be accepted as having been independently verified.</p> <p>FRA estimates that it will receive approximately one (1) request every three years to accept information certified under the auspices of a foreign railroad regulatory entity as having been independently verified under the above requirement. It is estimated that it will take approximately 32 hours to complete each request. The annual burden is divided amongst the one submission every three years.</p>
236.1019(b) – A request for a passenger terminal main line track exception (MTEA)	38 railroads	1 MTEA	160 hours	160 hours	\$12,320	<p>Passenger terminal exception. FRA will consider an exception in the case of trackage used exclusively as yard or terminal tracks by or in support of regularly scheduled intercity or commuter passenger service</p>

						<p>where the MTEA describes in detail the physical boundaries of the trackage in question, its use and characteristics (including track and signal charts) and all of the following apply: (1) The maximum authorized speed for all movements is not greater than 20 miles per hour, and that maximum is enforced by any available onboard PTC equipment within the confines of the yard or terminal; (2) Interlocking rules are in effect prohibiting reverse movements other than on signal indications without dispatcher permission; and (3) Either of the following conditions exist: (i) No freight operations are permitted; or (ii) Freight operations are permitted but no passengers will be aboard passenger trains within the defined limits.</p> <p>FRA estimates that will receive approximately 1 MTEA under the above requirement. It is estimated that it will take approximately 160 hours to complete each MTEA.</p>
(c)(1) – A request for a limited operations exception (based on restricted speed, temporal separation, or a risk mitigation plan)	38 railroads	1 request and/or plan	160 hours	160 hours	\$12,320	<p><u>Limited operations exception.</u> FRA will consider an exception in the case of a track segment used for limited operations (at speeds not exceeding those permitted under 236.0 of this part) under one of the following sets of conditions: (1) The trackage is used for limited operations by at least one passenger railroad subject to at least one of the following conditions: (i) All trains are limited to restricted speed; (ii) Temporal separation of passenger and other trains is maintained as provided in paragraph (e) of this section; or (iii) Passenger service is operated under a risk mitigation plan submitted by all railroads involved in the joint operation and approved by FRA. The risk mitigation plan must be supported by a risk assessment establishing that the proposed</p>

						<p>mitigations will achieve a level of safety not less than the level of safety that would obtain if the operations were conducted under paragraph (c)(1) or (c)(2) of this section.</p> <p>FRA estimates approximately 1 request will be submitted annually. It is estimated that it will take approximately 160 hours to complete each request.</p>
(c)(2) – A request for a limited operations exception for a non-Class I, freight railroad’s track	10 railroads	1 request	160 hours	160 hours	\$12,320	<p>Passenger service is operated on a segment of track of a freight railroad that is not a Class I railroad on which less than 15 million gross tons of freight traffic is transported annually and on which one of the following conditions applies: (i) If the segment is un-signalized and no more than four regularly scheduled passenger trains are operated during a calendar day, or (ii) If the segment is signalized (e.g., equipped with a traffic control system, automatic block signal system, or cab signal system) and no more than 12 regularly scheduled passenger trains are operated during a calendar day.</p> <p>FRA estimates approximately 1 request will be submitted annually. It is estimated that it will take approximately 160 hours to complete each request.</p>
(c)(3) – A request for a limited operations exception for a Class I railroad’s track	7 railroads	1 request	160 hours	160 hours	\$12,320	<p>Not more than four passenger trains per day are operated on a segment of track of a Class I freight railroad on which less than 15 million gross tons of freight traffic is transported annually.</p> <p>FRA estimates approximately 1 request will be submitted annually. It is estimated that it will take approximately 160 hours to complete each request.</p>
(d) – A railroad’s collision hazard analysis in support of an MTEA, if FRA requires one to	38 railroads	0.3 collision hazard analysis	50 hours	16.7 hours	\$1,309	<p>A limited operations exception under paragraph (c) is subject to FRA review and approval. FRA may require a collision hazard analysis to identify hazards and may require that specific mitigations be</p>

be conducted and submitted						<p>undertaken. Operations under any such exception shall be conducted subject to the terms and conditions of the approval. Any main line track exclusion is subject to periodic review.</p> <p>FRA estimates approximately 1 collision hazard analysis will be completed every three years. It is estimated that each analysis will take approximately 50 hours to complete. The hour burden associated with this analysis is divided amongst the one submission every three years.</p>
(e) – Any temporal separation procedures utilized under the 49 CFR 236.1019(c)(1)(ii) exception	The burdens are accounted for under 49 CFR 236.1019(c)(1).					
236.1021(a)–(d) – Any RFA to a railroad’s PTCIP or PTCDP	38 railroads	10 RFAs	160 hours	1,600 hours	\$123,200	<p>(a) No changes, as defined by this section, to a PTC system, PTCIP, PTCDP, or PTCSP, shall be made unless: (1) The railroad files a request for amendment (“RFA”) to the applicable PTCIP, PTCDP, or PTCSP with the Associate Administrator; and (2) The Associate Administrator approves the RFA: (b) through (d) of this section.</p> <p>FRA estimates that it will receive approximately 10 requests for amendment (RFAs) under the above requirements. It is estimated that it will take approximately 160 hours to complete each RFA and send it to FRA.</p>
(e) – Any public comments, if an RFA includes a request for approval of a discontinuance or material modification of	5 interested parties	10 RFA public comments	16 hours	160 hours	\$12,320	If the RFA includes a request for approval of a discontinuance or material modification of a signal or train control system, FRA will publish a notice in the Federal Register of the application and will invite public comment in accordance with part 211 of this chapter.

a signal or train control system and a <i>Federal Register</i> notice is published						FRA estimates that it will receive approximately 10 RFA public comments under the above requirement. It is estimated that each RFA comment will take approximately 16 hours to complete and send it to FRA.
(l) – Any jointly filed RFA to a PTCDP or PTCSP (*Note: This is a new proposed paragraph to authorize host railroads to file joint RFAs in certain cases, but such RFAs are already required under FRA’s existing regulations*)	The burdens are accounted for under 49 CFR 236.1021(a)–(d) and (m).					
(m) – Any RFA to a railroad’s PTCSP (*Note: Revised requirement. This is a new proposed paragraph with a simplified process governing RFAs to PTCSPs*)	38 railroads	15 RFAs	80 hours	1,200 hours	\$92,400	No changes, as specified under paragraphs (h)(3) or (4) of this section, may be made to an FRA-certified PTC system or an FRA-approved PTCSP unless the host railroad first complies with the following process: (1) through (2) of this section. It is estimated that each list will be approximately 80 hours to gather the necessary information and complete each RFA.
236.1023(a) – A railroad’s PTC Product Vendor List, which must be continually updated	38 railroads	2 updated lists	8 hours	16 hours	\$1,232	Each railroad implementing a PTC system on its property shall establish and continually update a PTC Product Vendor List (PTCPVL) that includes all vendors and suppliers of each PTC system, subsystem, component, and associated product, and process in use system-wide. The PTCPVL shall be made readily available to FRA upon request. FRA estimates that approximately 2 PTC Product Vendor Lists (PTCPVLs) will be created,

						maintained, and continually updated under the above requirement. It is estimated that each list will be approximately eight (8) hours to gather the necessary information and complete each page of the list.
(b)(1) – All contractual arrangements between a railroad and its hardware and software suppliers or vendors for certain immediate notifications	The burdens are accounted for under 49 CFR 236.1015 and 236.1021.					
(b)(2)–(3) – A vendor’s or supplier’s notification, upon receipt of a report of any safety-critical failure of its product, to any railroads using the product	10 vendors or suppliers	10 notifications	8 hours	80 hours	\$6,160	<p>The railroad shall specify within its PTCSP all contractual arrangements with hardware and software suppliers or vendors for immediate notification between the parties of any and all safety critical software failures, upgrades, patches, or revisions, as well as any hardware repairs, replacements, or modifications for their PTC system, subsystems, or components. A vendor or supplier, on receipt of a report of any safety-critical failure to their product, shall promptly notify all other railroads that are using that product, whether or not the other railroads have experienced the reported failure of that safety-critical system, subsystem, or component. The notification from a supplier to any railroad shall include explanation from the supplier of the reasons for such notification, the circumstances associated with the failure, and any recommended mitigation actions to be taken pending determination of the root cause and final corrective actions.</p> <p>FRA estimates that it will receive approximately 10 notifications annually under this requirement. It is estimated that each request will take approximately 8 hours to complete.</p>
(c)(1)–(2) – A railroad’s	The burdens are accounted for under 49 CFR 236.1015 and 236.1021.					

process and procedures for taking action upon being notified of a safety-critical failure or a safety-critical upgrade, patch, revision, repair, replacement, or modification, and a railroad's configuration/revision control measures, set forth in its PTCSP						
(d) – A railroad's submission, to the applicable vendor or supplier, of the railroad's procedures for action upon notification of a safety-critical failure, upgrade, patch, or revision to the PTC system and actions to be taken until it is adjusted, repaired, or replaced	38 railroads	2.5 notifications	16 hours	40 hours	\$3,080	The railroad shall provide to the applicable vendor or supplier the railroad's procedures for action upon notification of a safety critical failure, upgrade, patch, or revision for the PTC system, subsystem, component, product, or process, and actions to be taken until the faulty system, subsystem, or component has been adjusted, repaired, or replaced. FRA estimates that each procedure will take approximately 16 hours to gather the necessary information and complete each document.
(e) – A railroad's database of all safety-relevant hazards, which must be maintained after the PTC system is placed in service	38 railroads	38 database updates	16 hours	608 hours	\$46,816	After the product is placed in service, the railroad shall maintain a database of all safety-relevant hazards as set forth in the PTCSP and those that had not previously been identified in the PTCSP. FRA estimates approximately 38 database updates will be submitted annually. FRA estimates that each update will take approximately 16 hours to complete.
(e)(1) – A railroad's notification to the	38 railroads	8 notifications	8 hours	64 hours	\$4,928	If the frequency of the safety-relevant hazard exceeds the thresholds set forth in the PTCSP, or has not been

vendor or supplier and FRA if the frequency of a safety-relevant hazard exceeds the threshold set forth in the PTCDP and PTCSP, and about the failure, malfunction, or defective condition that decreased or eliminated the safety functionality						previously identified in the appropriate risk analysis, the railroad must: (1) Notify the applicable vendor or supplier and FRA of the failure, malfunction, or defect that decreased or eliminated the safety functionality; and (2) Keep the applicable vendor or supplier and FRA apprised on a continual basis of the status of any and all subsequent failures; and (3) Take prompt counter measures to reduce or eliminate the frequency of the safety-relevant hazards below the threshold identified in the PTCSP. It is estimated that each notification will take approximately 8 hours to submit.
(e)(2) – Continual updates about any and all subsequent failures	38 railroads	1 update	8 hours	8 hours	\$616	Additionally, FRA estimates that 1 notification update will be made to the applicable vendor and FRA under the above requirement. It is estimated that it will take approximately 8 hours to complete each notification update and send it to FRA and the affected railroad.
(f) – Any notifications that must be submitted to FRA under 49 CFR 236.1023	The burdens are accounted for under 49 CFR 236.1023(e), (g), and (h).					
(g) – A railroad’s and vendor’s or supplier’s report, upon FRA request, about an investigation of an accident or service difficulty due to a manufacturing or design defect and their corrective actions	38 railroads	0.5 reports	40 hours	20 hours	\$1,540	Whenever any investigation of an accident or service difficulty report shows that a PTC system or product is unsafe because of a manufacturing or design defect, the railroad and its vendor shall, upon request of the Associate Administrator, report to the Associate Administrator the results of its investigation and any action taken or proposed to correct that defect. It is estimated that each report will take approximately 40 hours to complete and send to FRA.
(h) – A PTC system	10 vendors	20 reports	8 hours	160 hours	\$12,320	PTC system and product suppliers and vendors shall:

vendor's or supplier's reports of any safety-relevant failures, defective conditions, previously unidentified hazards, recommended mitigation actions, and any affected railroads	or suppliers					<p>(1) Promptly report any safety relevant failures or defective conditions, previously unidentified hazards, and recommended mitigation actions in their PTC system, subsystem, or component to each railroad using the product.</p> <p>It is estimated that it will take approximately 8 hours to complete each report.</p>
(k) – A report of a failure of a PTC system resulting in a more favorable aspect than intended or other condition hazardous to the movement of a train, including the reports required under part 233	The burdens are accounted for under 49 CFR 236.1023(e), (g), and (h) and 49 CFR part 233.					
236.1029(b)(4) – A report of an en route failure, other failure, or cut out to a designated railroad officer of the host railroad	150 host and tenant railroads	1,000 reports	30 minutes	500 hours	\$38,500	<p>Except as provided in paragraphs (c) and (g) of this section, where a controlling locomotive that is operating in, or is to be operated within, a PTC-equipped track segment experiences PTC system failure or the PTC system is otherwise cut out while en route (i.e., after the train has departed its initial terminal), the train may only continue in accordance with all of the following: (1) through (6) of this section.</p> <p>It is estimated that it will take approximately 30 minutes to submit each report under this requirement.</p>
(h) – Form FRA F 6180.152 – Biannual Report of PTC System Performance (*Revised requirement and new form*)	38 railroads	76 reports	12 hours	912 hours	\$70,224	FRA is revising an annual report of system failures to become a bi-annual report. Each railroad shall provide FRA with a report of the number of PTC failures that occurred during the previous calendar year. The report shall identify failures by category, including but not limited to locomotive, wayside,

						communications, and back-office system failures. It is estimated that each report will take approximately 12 hours to complete.
236.1033 – Communications and security requirements	The burdens are accounted for under 49 CFR 236.1009 and 236.1015.					
236.1035(a)–(b) – A railroad’s request for authorization to field test an uncertified PTC system and any responses to FRA’s testing conditions	38 railroads	10 requests	40 hours	400 hours	\$30,800	(a) Before any field testing of an uncertified PTC system, or a product of an uncertified PTC system, or any regression testing of a certified PTC system is conducted on the general rail system, the railroad requesting the testing must provide: (1) through (7). FRA estimates that each request will take approximately 40 hours to complete and send to FRA.
236.1037(a)(1)–(2) – Records retention	The burdens are accounted for under 49 CFR 236.1009 and 236.1015.					
(a)(3)–(4) – Records retention	The burdens are accounted for under 49 CFR 236.1039 and 236.1043(b).					
(b) – Results of inspections and tests specified in a railroad’s PTCSP and PTCDP	38 railroads	800 records	1 hour	800 hours	\$61,600	Results of inspections and tests specified in the PTCSP and PTCDP must be recorded pursuant to § 236.110. FRA estimates that it will take approximately one (1) hour to gather the necessary information and complete each record.
(c) – A contractor’s records related to the testing, maintenance, or operation of a PTC system maintained at a designated office	20 contractors	1,600 records	10 minutes	266.7 hours	\$20,559	Each contractor providing services relating to the testing, maintenance, or operation of a PTC system required to be installed under this subpart shall maintain at a designated office training records required under §236.1039(b). FRA estimates that will take approximately 10 minutes to gather the necessary information and

						complete each record.
(d)(3) – A railroad’s final report of the results of the analysis and countermeasures taken to reduce the frequency of safety-related hazards below the threshold set forth in the PTCSP	38 railroads	8 final reports	160 hours	1,280 hours	\$98,560	After the PTC system is placed in service, the railroad shall maintain a database of all safety-relevant hazards as set forth in the PTCSP and PTCDP and those that had not been previously identified in either document. [The railroad shall] Provide a final report when the inconsistency is resolved to the FRA Director, Office of Safety Assurance and Compliance, on the results of the analysis and countermeasures taken to reduce the frequency of the safety-relevant hazard(s) below the threshold set forth in the PTCSP and PTCDP. FRA estimates that each final report will take approximately 160 hours to complete.
236.1039(a)–(c), (e) – A railroad’s PTC Operations and Maintenance Manual (OMM), which must be maintained and available to FRA upon request	38 railroads	2 OMM updates	10 hours	20 hours	\$1,540	The railroad shall catalog and maintain all documents as specified in the PTCDP and PTCSP for the installation, maintenance, repair, modification, inspection, and testing of the PTC system and have them in one Operations and Maintenance Manual, readily available to persons required to perform such tasks and for inspection by FRA and FRA-certified State inspectors: (b), (c), and (e) of this section. FRA estimates that it will take approximately 10 hours to complete each update.
(d) – A railroad’s identification of a PTC system’s safety-critical components, including spare equipment	38 railroads	1 identified new component	1 hour	1 hour	\$77	(d) Safety-critical components, including spare equipment, must be positively identified, handled, replaced, and repaired in accordance with the procedures specified in the PTCDP and PTCSP. FRA estimates that each submission will take approximately one (1) hour to complete.
236.1041(a)–(b) and 236.1043(a) – A	38 railroads	2 programs	10 hours	20 hours	\$1,540	Employers shall establish and implement training and qualification programs for PTC systems subject to

railroad's PTC Training and Qualification Program (<i>i.e.</i> , a written plan)						<p>this subpart. These programs must meet the minimum requirements set forth in the PTCDP and PTCSF in §§ 236.1039 through 236.1045, as appropriate. Additionally, the employer's program must provide training for persons who perform the functions described in paragraph (a) of this section to ensure that they have the necessary knowledge and skills to effectively complete their duties related to operation and maintenance of the PTC system.</p> <p>FRA estimates that it will take approximately 10 hours to develop each training program.</p>
236.1043(b) – Training records retained in a designated location and available to FRA upon request	150 host and tenant railroads	150 PTC training record databases	1 hour	150 hours	\$11,550	<p>Employers must retain records which designate persons who are qualified under this section until new designations are recorded or for at least one year after such persons leave applicable service. These records shall be kept in a designated location and be available for inspection and replication by FRA and FRA-certified State inspectors.</p> <p>FRA estimates that it will take approximately one (1) hour to properly retain each record under this requirement.</p>
Total	N/A	4,567,924 responses	N/A	49,116 hours	\$4,107,626	

13. Estimate of total annual costs to respondents.

There will be no additional cost burden to respondents beyond the burden listed in FRA's answer to question number 12 and those customary and usual expenses associated with normal daily business operations. Each railroad should be tracking its implementation progress with sufficient detail to demonstrate statutory and regulatory compliance to FRA and, as such, does not require respondents to keep any new records specifically associated with this data collection.

14. Estimate of Cost to Federal Government.

To calculate the government administrative cost, the 2020 Office of Personnel Management wage rates were used. The average wage, step 5, was used as a midpoint. Wages were considered at the burdened wage rate by multiplying the actual wage rate by an overhead cost of 75 percent. The follow table shows the estimated average annual cost to the Federal government to review all the required documents and conduct the external audits associated with this rule.

Resources	Pay Grade	Annual-Average Wage Rate	Number of Employees	Percent Share of Time Use	Total Wages (Wages * 1.75 of Overhead Cost)
Division Staff Director	GS-15	\$161,730	1	50	141,514
Deputy Staff Director	GS-14	\$137,491	1	100	240,609
PTC Senior Test and Plan Monitors	GS-14	\$137,491	2	100	481,219
PTC Regional Specialists	GS-13	\$103,396	8	100	1,447,544
PTC Safety Specialist at Headquarter	GS-12	\$97,848	1	30	51,370
Electronic Engineer	GS-14	\$114,046	2	40	159,664
Estimated Average Annual Cost to Government					\$2,521,920

Additional Cost Associated with One New Report and Maintenance all Three Forms

The railroads submit the annual, quarterly, and monthly PTC progress report forms using FRA’s Secure Information Repository (SIR) at <https://sir.fra.dot.gov>. Many railroads have used the SIR website to submit their PTCIPs, revised PTCIPs, and monthly progress reports. FRA will assist any railroad that has not created an account on the SIR website to help the railroad obtain access efficiently. The following is the annualized cost to the federal government pertaining to the creation and publication and the processing of all forms—152, 165, 166, 177—and their associated data.

Resource	Report	Year	Development Hours	# Employees	\$/Hour	Review/Processing Hours	# Employees	\$/Hour	Total \$
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FRA Supervisor	Biannual Report (152) -- New	1	5	1	120	100	1	120	\$12,600
FRA Supervisor	Annual Report (166)	1	1	1	120	5	1	120	\$720
FRA Supervisor	Quarterly Report (165)	1	1	1	120	20	1	120	\$2,520
FRA Supervisor	Failure Notification (177)	1	5	1	120	100	1	120	\$12,600
FRA Supervisor	Biannual Report (152) -- New	2	0	0	120	50	1	120	\$6,000
FRA Supervisor	Annual Report (166)	2	0	0	120	5	1	120	\$600
FRA Supervisor	Quarterly Report (165)	2	0	0	120	5	1	120	\$600
FRA Supervisor	Failure Notification (177)	2	0	0	120	100	1	120	\$12,000
FRA Supervisor	Biannual Report (152) -- New	3-expiration year	0	0	120	40	1	120	\$4,800
FRA Supervisor	Annual Report (166)	3	0	0	120	5	1	120	\$600
FRA Supervisor	Quarterly Report (165)	3	0	0	120	5	1	120	\$600
FRA Supervisor	Failure Notification (177)	3	0	0	120	20	1	120	\$2,400
Annual Average Cost									\$14,480
Data Analyst (Contractor)	Biannual Report (152) -- New	1	40	1	100	80	2	100	\$20,000
Data Analyst (Contractor)	Annual Report (166)	1	3	1	100	25	2	100	\$5,300
Data Analyst (Contractor)	Quarterly Report (165)	1	5	1	100	400	2	100	\$80,500

Data Analyst (Contractor)	Failure Notification (177)	1	40	1	100	480	2	100	\$100,000
Data Analyst (Contractor)	Biannual Report (152) -- New	2	0	0	100	80	2	100	\$16,000
Data Analyst (Contractor)	Annual Report (166)	2	0	0	100	25	2	100	\$5,000
Data Analyst (Contractor)	Quarterly Report (165)	2	0	0	100	100	2	100	\$20,000
Data Analyst (Contractor)	Failure Notification (177)	2	0	0	100	480	2	100	\$96,000
Data Analyst (Contractor)	Biannual Report (152) -- New	3-expiration year	0	0	100	80	2	100	\$16,000
Data Analyst (Contractor)	Annual Report (166)	3	0	0	100	5	2	100	\$1,000
Data Analyst (Contractor)	Quarterly Report (165)	3	0	0	100	100	2	100	\$20,000
Data Analyst (Contractor)	Failure Notification (177)	3	0	0	100	100	2	100	\$20,000
Annual Average Cost									\$126,600
Total Annual Average Cost									\$141,080

Total government cost = \$2,663,000

15. Explanation of program changes and adjustments.

Currently, the OMB inventory for this collection of information shows a total annual burden of 68,373 hours and 4,568,393 responses, while this updated submission reflects a total annual burden of 49,116 hours and 4,567,924 responses.

FRA provided a thorough review of this package and FRA’s latest review has refined the estimates to be more accurate. For example, the estimated changes in the number of responses mainly contributed to the decrease in burden hours. The two tables below provide specific information on the review of any estimates that have changed.

TABLE FOR PROGRAM CHANGES

CFR Section/Subject	Total Annual Responses			Average Time per Response		Total Annual Burden Hours			Section Analyses and Estimates
	Current submission	Requesting submission	Difference	Current submission	Requesting submission	Current submission	Requesting submission	Difference	
236.1021(m) – Any RFA to a railroad’s PTCSP (*Note: Revised requirement. This is a new proposed paragraph with a simplified process governing RFAs to PTCSPs*)	0	15 RFAs	15 RFAs	0	80 hours	0	1,200 hours	1,200 hours	This is a new requirement.
236.1029(h) – Form FRA F 6180.152 – Biannual Report of PTC System Performance (Revised requirement and new form)	36 reports	76 reports	40 reports	8 hours	12 hours	288 hours	912 hours	624 hours	FRA estimates the annual response will increase from 36 reports to 76 reports due to a program change—i.e., increasing the reporting frequency from annual to biannual. Additionally, the amount of time per report was increased from 8 hours to 12 hours due to changes to the program, including expanding the list of content requirements in the new standardized form.

Program changes above increased the burden by 1,824 hours and by 55 responses from the last approved submission.

TABLE FOR ADJUSTMENTS

CFR Section/Subject	Total Annual Responses			Average Time per Response		Total Annual Burden Hours			Section Analyses and Estimates
	Current submission	Requesting submission	Difference	Current submission	Requesting submission	Current submission	Requesting submission	Difference	
Form FRA F 6180.165 – Quarterly PTC Progress Report Form (49 U.S.C. 20157(c)(2))	140 reports/forms	12 reports/forms	-128 reports/forms	23 hours	23 hours	3,251 hours	271 hours	-2,980 hours	The reduction in burden hours is due to changes in the number of responses—from 140 forms to 12 forms per year. By statute, this is a temporary reporting requirement. Railroads’ final Quarterly PTC Progress Reports (Form FRA F 6180.165) will be due on January 31, 2021, assuming a railroad fully implements an FRA-certified and interoperable PTC system by the statutory deadline of December 31, 2020.
Form FRA F 6180.166 – Annual PTC Progress Report Form (49 U.S.C. 20157(c)(1) and 49 CFR 236.1009(a)(5))	35 reports/forms	12 reports/forms	-23 reports/forms	40 hours	40 hours	1,404 hours	468 hours	-936 hours	The reduction in burden hours is due to changes in the number of responses—from 35 forms to 12 forms per year. By statute, this is a temporary reporting requirement. Railroads’ final Annual PTC Progress Reports (Form FRA F 6180.166) will be due on March 31, 2021, assuming a railroad fully implements an FRA-certified and interoperable PTC system

									by the statutory deadline of December 31, 2020.
Form FRA F 6180.177 – Statutory Notification of PTC System Failures (Under 49 U.S.C. 20157(j)(4))	190 reports/forms	144 reports/forms	-46 reports/forms	1 hour	1 hour	190 hours	144 hours	-46 hours	The reduction in burden hours is due to changes in the number of responses—from 190 forms to 144 forms per year. The temporary Statutory Notification of PTC System Failures (Form FRA F 6180.177) is a temporary reporting requirement, which expires on approximately December 31, 2021 per 49 U.S.C. 20157(j).
236.1007(c)(1) – A railroad’s request for approval to use foreign service data, prior to submission of a PTCSP	1 request	.3 requests	-.7 requests	8,000 hours	8,000 hours	8,000 hours	2,667 hours	-5,333 hours	The reduction in burden hours is due to changes in the number of responses—from one (1) request per year to one (1) per every three (3) years. FRA’s estimate is based on how infrequently these filings have been submitted to date.
236.1009(j)(2)(iii) – Any additional information provided in response to FRA’s consultations or inquiries about a PTCDP or PTCSP	20 documents	1 set of additional information	-19 documents	400 hours	400 hours	8,000 hours	400 hours	-7,600 hours	The reduction in burden hours is due to changes in the number of responses—from 20 documents to one (1) set of additional information per year. FRA’s estimate is based on how infrequently these filings have been submitted to date. In addition, this decrease corresponds to the reduced number of new PTC Safety Plans and PTC Development Plans FRA will receive from railroads going forward,

									specifically from any railroads that become subject to the mandate or choose to voluntarily implement a PTC system in the future.
236.1015(g) – A PTCSP for a PTC system replacing an existing certified PTC system	1 PTCSP	.3 PTCSPs	-.7 PTCSPs	3,200 hours	3,200 hours	3,200 hours	1,067 hours	-2,133 hours	The reduction in burden hours is due to changes in the number of responses—from one (1) PTCSP per year to one (1) per every three (3) years. FRA’s estimate is based on how infrequently these filings have been submitted to date.
(h) – A quantitative risk assessment, if FRA requires one to be submitted	1 assessment	.3 assessments	-.7 assessments	3,200 hours	800 hours	3,200 hours	267 hours	-2,933 hours	The reduction in burden hours is due to changes in the number of responses—from one (1) assessment per year to one (1) per every three (3) years. FRA’s estimate is based on how infrequently these filings have been submitted to date. Additionally, the amount of time per assessment was reduced from 3,200 hours to 800 hours because FRA had previously overestimated the burden, and this new estimate is more accurate in terms of the time necessary to prepare this type of document.
236.1017(a) – An independent third-party assessment, if FRA requires one to be	1 assessment	.3 assessments	-.7 assessments	1,600 hours	1,600 hours	1,600 hours	533 hours	-1,067 hours	The reduction in burden hours is due to changes in the number of responses—from one (1) assessment per year to one (1) per every three (3) years.

conducted and submitted									FRA's estimate is based on how infrequently these filings have been submitted to date.
(b) – A railroad's written request to confirm whether a specific entity qualifies as an independent third party	1 written request	.3 written requests	-.7 written requests	8 hours	8 hours	8 hours	3 hours	-5 hours	The reduction in burden hours is due to changes in the number of responses—from one (1) written request per year to one (1) per every three (3) years. FRA's estimate is based on how infrequently these filings have been submitted to date.
– Further information provided to FRA upon request	1 set of additional information	.3 sets of additional information	-.7 set of additional information	20 hours	20 hours	20 hours	7 hours	-13 hours	The reduction in burden hours is due to changes in the number of responses—from one (1) set of additional information per year to one (1) per every three (3) years. FRA's estimate is based on how infrequently these filings have been submitted to date.
(d) – A request not to provide certain documents otherwise required under Appendix F for an independent, third-party assessment	1 request	.3 requests	-.7 requests	20 hours	20 hours	20 hours	7 hours	-13 hours	The reduction in burden hours is due to changes in the number of responses—from one (1) request per year to one (1) per every three (3) years. FRA's estimate is based on how infrequently these filings have been submitted to date.
(e) – A request for FRA to accept information certified by a foreign regulatory entity for purposes of 49	1 request	.3 requests	-.7 requests	32 hours	32 hours	32 hours	11 hours	-21 hours	The reduction in burden hours is due to changes in the number of responses—from one (1) request per year to one (1) per every three (3) years. FRA's estimate is based on how infrequently these filings have

CFR 236.1017 and/or 236.1009(i)									been submitted to date.
236.1019(c)(2) – A request for a limited operations exception for a non-Class I, freight railroad's track	0	1 request	1 request	0	160 hours	0	160 hours	160 hours	The increase in burden hours is due to changes in the number of responses—from 0 request to one (1) request per year. This addition is to account for this specific type of filing and FRA's expectation to receive one per year.
(c)(3) – A request for a limited operations exception for a Class I railroad's track	0	1 request	1 request	0	160 hours	0	160 hours	160 hours	The increase in burden hours is due to changes in the number of responses—from 0 request to one (1) request per year. This addition is to account for this specific type of filing and FRA's expectation to receive one per year.
(d) – A railroad's collision hazard analysis in support of an MTEA, if FRA requires one to be conducted and submitted	0	.3 collision hazard analysis	.3 collision hazard analysis	0	50 hours	0	17 hours	17 hours	The increase in burden hours is due to changes in the number of responses— from 0 analysis to one (1) per every three (3) years. This addition is to account for this specific type of filing and FRA's expectation to receive one every three years.
236.1023(b)(2)–(3) – A vendor's or supplier's notification, upon receipt of a report of any safety-critical failure of its product, to any railroads using	1 notification	10 notifications	10 notifications	8 hours	8 hours	4 hours	80 hours	76 hours	The increase in burden hours is due to changes in the number of responses—from 1 notification to 10 per year, based on FRA's understanding of the frequency of the type of failure that would trigger a notification.

the product									
(e) – A railroad’s database of all safety-relevant hazards, which must be maintained after the PTC system is placed in service	36 database updates	38 database updates	2 database updates	16 hours	16 hours	576 hours	608 hours	32 hours	The increase in burden hours is due to changes in the number of responses—from 36 updates to 38 per year. In the new estimate, FRA is assuming that additional railroads will become subject to the mandate or choose to voluntarily implement a PTC system in the future.
(e)(1) – A railroad’s notification to the vendor or supplier and FRA if the frequency of a safety-relevant hazard exceeds the threshold set forth in the PTCDP and PTCSP, and about the failure, malfunction, or defective condition that decreased or eliminated the safety functionality	1 notification	8 notifications	8 notifications	8 hours	8 hours	4 hours	64 hours	60 hours	The increase in burden hours is due to changes in the number of responses—from 1 notification to 8 per year, based on FRA’s understanding of the frequency of the type of failures and other issues that would trigger a notification.
(e)(2) – Continual updates about any and all subsequent failures	.5 updates	1 update	.5 updates	8 hours	8 hours	4 hours	8 hours	4 hours	The increase in burden hours is due to changes in the number of responses—from .5 updates to one (1) per year, based on FRA’s understanding of the frequency of the type of failure

									that would trigger an update.
(h) – A PTC system vendor’s or supplier’s reports of any safety-relevant failures, defective conditions, previously unidentified hazards, recommended mitigation actions, and any affected railroads	.5 reports	20 reports	19.5 reports	8 hours	8 hours	4 hours	160 hours	156 hours	The increase in burden hours is due to changes in the number of responses—from .5 reports to 20 per year, based on FRA’s understanding of the frequency of the type of failures and other issues that would trigger a report.
236.1031(a)–(d) – A railroad’s Request for Expedited Certification	1 REC letter + supporting documentation	0	-1 REC letter + supporting documentation	8 hours	8 hours	8 hours	0	-8 hours	The reduction in burden hours is due to changes in the number of responses—from one (1) letter to zero (0) per year. FRA’s estimate is based on how infrequently these filings have been submitted to date.
236.1037(d)(3) – A railroad’s final report of the results of the analysis and countermeasures taken to reduce the frequency of safety-related hazards below the threshold set forth in the PTCSP	1 final report	8 final reports	8 final reports	160 hours	160 hours	80 hours	1,280 hours	1,200 hours	The increase in burden hours is due to changes in the number of responses—from one (1) report to 8 per year, based on FRA’s understanding of the frequency of the type of failures and other issues that would trigger a report.
236.1043(b) – Training records	500 PTC training	150 PTC training	-350 PTC training record	1 minute	1 hour	8 hours	150 hours	142 hours	The reduction in burden hours is due to changes in the number of

retained in a designated location and available to FRA upon request	records	record databases	databases						<p>responses—from 500 training records to 150 training record databases per year. In the new estimate, FRA is assuming that each applicable host railroad and tenant railroad will maintain a recordkeeping database.</p> <p>Additionally, the amount of time per recordkeeping was increased from 1 (one) minute to 1 (one) hour because of the change from individual training records to a database.</p>
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Adjustments above decreased the burden by 21,081 hours, and decreased the number of responses by 524 from the last approved submission.

16. Publication of results of data collection.

The information provided by railroads will be published on the FRA’s public website and annual reports will continue to be made available within each railroad’s existing docket on www.regulations.gov. Confidential or proprietary information will be handled as described in question 10, above.

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.