

11 FEDERAL RAILROAD ADMINISTRATION
Training, Qualification, and Oversight for
Safety-Related Railroad Employees
(49 CFR Part 243)
SUPPORTING JUSTIFICATION
OMB No. 2130-0597

Summary of Submission

- This submission is a revision to the last approved submission pertaining to Part 243 that was approved by OMB on April 5, 2018 and which expires April 30, 2021.
- The Federal Railroad Administration (FRA) published the required 60-day Federal Register Notice on September 29, 2020. See 85 FR 61085. FRA received no comments in response to this Notice.
- The total number of burden hours requested for this information collection is 91,069 hours. The total number of burden hours previously approved by OMB was 282,824 hours.
- The total number of responses requested for this information collection is 165,054. The total number of responses previously approved by OMB was 78,147.
- Overall, the adjustments decreased the total burden 191,755 hours and increased the number of responses by 86,907 from the last approved submission.
- The answer to question number 12 itemizes information collection requirements
- The answer to question number 15 itemizes adjustments.
- There are no program changes at this time to this submission.

1. Circumstances that make collection of the information necessary.

Section 20162 of 49 U.S.C. requires the Secretary of Transportation (Secretary) to establish minimum training standards for safety-related railroad employees and the submission of training plans from railroad carriers, contractors, and subcontractors for the Secretary's approval. The Secretary delegated this authority to the Federal Railroad Administrator.¹

On November 7, 2014, FRA published a final rule that established minimum training standards for each category and subcategory of safety-related railroad employees and

¹ 49 CFR § 1.89(b).

required railroad carriers, contractors, and subcontractors to submit training programs to FRA for approval.² The 2014 Final Rule was required by section 401(a) of the Rail Safety Improvement Act of 2008 (RSIA).³

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

This information collection request is an extension with change to the last approved submission. Specifically, the information collected will be used by FRA to ensure that each employer – railroad or contractor – conducting operations subject to Part 243 develops, adopts, submits, and complies with a training program for each category and subcategory of safety-related railroad employee.

FRA will also review and approve training programs filed by training organizations or learning institutions. If FRA has already approved the training organization or learning institution's program, an employer could reference the approved program in its submission, avoid lengthy duplication, and likely expect a quick review and approval by FRA.

Additionally, railroads are required to serve simultaneously to the president of each labor organization that represents the railroad's employees a copy of any training program submission, resubmission, or informational filing and to send a statement to FRA affirming that this service has been completed and the details of who has been served. The information will be used by FRA to ensure that necessary labor organizations are informed in a timely way regarding required training program so that they have an adequate opportunity to provide comment to FRA and can thereby participate in FRA's review and approval process of training program filings.

Furthermore, FRA will review the information collected to verify that railroads conduct annual reviews of their training programs. Such reviews will be used by railroads – and FRA – to determine any performance gaps and to ensure that such performance gaps are closed to prevent accidents/incidents from occurring and the corresponding injuries, fatalities, and property damage that accompany them.

Finally, FRA will review the required railroad maintained list of contractors utilized in order to have basic information about each contractor engaged by a railroad so that it can determine each contractor's identity and qualifications and have current and accurate information of the employees that work for it. This is critical from an enforcement perspective so that FRA is able to identify which employees work for railroads and which for contractors.

In sum, the information collected will further FRA's comprehensive national regulatory

² 79 FR 66459.

³ Pub. L. 110-432, 122 Stat. 4883 (Oct. 16, 2008), codified at 49 U.S.C. 20162.

safety program that seeks to promote and enhance rail safety throughout the country.

3. Extent of automated information collection.

FRA has strongly encouraged the use of advanced information technology to reduce burden on respondents, wherever possible. Section 243.113 mandates that employers with 400,000 total employee work hours or more file by electronic means any program submissions required under this Part in accordance with the requirements of this section. Also, each organization, business, or association that develops an optional model program in accordance with § 243.105 of this Part is required to electronically file the program in accordance with the requirements of this section.

FRA expects that there are few, if any, employers who do not have internet access and an e-mail address, or who cannot otherwise meet the minimum requirements for electronic submission. To reduce any possible cost burden on smaller entities, employers with less than 400,000 total employee work hours annually are exempt from the electronic submission requirement of § 243.113(a). However, they do have the electronic option for the various submissions required by this Part, if they so choose.

Records required under § 243.203 may be kept electronically. FRA anticipates that most employers that are not small entities will want to maintain these records electronically.

FRA estimates that approximately 95 percent of all responses of this rule's requirements are submitted electronically.

4. Efforts to identify duplication.

The information collection requirements are new and to our knowledge are not duplicated anywhere. Similar data are not available from any other source.

5. Efforts to minimize the burden on small businesses.

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. "Small entity" is defined in 5 U.S.C. 601. Section 601(6) defines "small entity" as having "the same meaning as the terms 'small business,' 'small organization,' and 'small governmental jurisdiction,'" as defined by section 601. Section 601(3) defines a "small business" as having the same meaning as a "small business concern" under Section 3 of the Small Business Act. Section 601(4) defines "small organization" as "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field." Section 601(5) defines "small governmental jurisdiction" as "governments of cities, counties, towns, townships, villages, school districts, or special districts with a population of less than fifty thousand."

The U.S. Small Business Administration (SBA) stipulates “size standards” for small entities. It provides that the largest a for-profit railroad business firm may be (and remain classified as a “small entity”) is 1,500 employees for “Line-Haul Operating” railroads and 500 employees for “Short-Line Operating” railroads.⁴

Federal agencies may adopt their own size standards for small entities, in consultation with SBA and in conjunction with public comment. Pursuant to that authority, FRA has published a final statement of agency policy that formally establishes “small entities” or “small businesses” as being railroads, contractors, and hazardous materials shippers that meet the revenue requirements of a Class III railroad as set forth in 49 CFR 1201.1–1, which is \$20 million or less in inflation-adjusted annual revenues, and commuter railroads or small governmental jurisdictions that serve populations of 50,000 or less.⁵ The \$20-million limit is based on the Surface Transportation Board’s revenue threshold for a Class III railroad. Railroad revenue is adjusted for inflation by applying a revenue deflator formula in accordance with 49 CFR 1201.1–1. FRA is using this definition for this rulemaking.

FRA estimates that approximately 93 percent of these railroads are small entities. Additionally, about 300 contractors of railroads and approximately 109 training organizations or learning institutions, most of which, by definition, are considered small entities.

Additionally, it should be noted that, FRA has exempted tourist, scenic, historic, and excursion railroads that are not part of the general railroad system of transportation as well as plant railroads. Excluding these types of operations from this rule is consistent with FRA’s jurisdictional policy that excludes these operations from all but a limited number of Federal safety laws, regulations, and orders.

6. Impact of less frequent collection of information.

If FRA did not collect this information or collected it less frequently, railroad safety would be directly and adversely impacted. Without the information collected, FRA would have no way of knowing that railroads and contractors are properly and adequately training safety-related employees regarding Federal rail safety laws, regulations, and orders. Without approved and effective training programs, safety-related employees would not receive essential training to do their important jobs safely and effectively. The scientific literature on training in general and FRA’s own experience with training in the railroad industry show a clear link between the quality of training programs – including whether training is engaging or “hands-on” – and safety. Even though rail transportation in the United States is generally an extremely safe mode of transportation, and rail safety has been improving, well-designed training programs have the potential to

⁴ “Table of Size Standards,” U.S. Small Business Administration, January 31, 1996, Title 13 CFR Part 121.

⁵ 68 FR 24891 (May 9, 2003)

further reduce risk in the railroad environment. FRA believes that better designed training can reduce the number of accidents/incidents caused by human factors.

Without the information collected, FRA would not have an opportunity to carefully review and comment on the training provided by railroads, contractors, and learning institutions. Without review of required training program submissions, resubmissions, and informational filings, FRA staff could not determine whether essential Federal safety laws, regulations, and orders were being addressed in a thorough and systematic way as they relate to the daily tasks of safety-related employees. Without the required training program submissions and the opportunity to closely scrutinize them, FRA would have no way to verify that railroads, contractors, and training/learning institutions are providing necessary and critical on the job (OJT) and hands-on training for their employees. Without the benefit of such training, employees would not be able to do their jobs as effectively, and it is highly likely that there would be increased numbers of accidents/incidents and injuries, fatalities, and property damage that accompany them.

Without the information collected, FRA would not have access to lists of designated safety-related employees by occupational category or subcategory. Without this information and the required records under this rule, FRA would not know whether employees in a given category or subcategory have undergone formal and informal training and thus have been properly and adequately trained and are thereby qualified to do their jobs. FRA would have no way of knowing whether these employees have passed or failed tests and what actions were taken by railroad, contractors, and learning/training institutions to address any deficiencies found from such testing. Unqualified employees performing critical safety-related tasks could cause major accidents/incidents leading to public/railroad worker injuries, and fatalities as well as damage to railroad equipment likely resulting in substantial dollar losses for their employers.

In sum, the collection of information assists both DOT and FRA in fulfilling their top goals and primary mission, which is to promote and enhance national safe transportation throughout the United States.

7. **Special circumstances.**

Under § 243.203, the requirement stipulates that each employer must keep records for former safety-related railroad employees for a six-year period after the employment relationship ends. Those records must be accessible at the employer's system headquarters. By requiring employers to keep former employee records, FRA will have adequate time to obtain records even when an audit and investigation takes place several years after the employment relationship has terminated. This recordkeeping requirement is also intended to aid former employees who want to access their records to prove to a prospective employer that they received prior training. This record retention requirement may be especially helpful to any former employees that may leave the railroading

industry for several years, but want to return to safety-related railroad work within the six-year time frame.

Also, under § 243.205 (Periodic Oversight) and § 243.207 (Annual Review), FRA stipulates a three-year record retention requirement for any records that are not employee records. The three-year window for retention would actually be a bit longer than three years because it would be measured as three calendar years after the end of the calendar year to which the event relates. Thus, if a test occurred on March 1, 2015, the record would need to be maintained through December 31, 2018. Having information for the full third calendar year will help FRA in its audits and investigations to determine patterns regarding non-compliance related to Federal safety laws, regulations and orders, and aid railroads/FRA in modifying deficient training programs accordingly.

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

8. Compliance with 5 CFR 1320.8.

As required by the Paperwork Reduction Act of 1995 and 5 CFR 1320, FRA published a notice in the Federal Register on September 29, 2020, soliciting comment on these information collection requirements from the public, railroads, and other interested parties.⁶ FRA received no comments in response to this notice.

9. Payments or gifts to respondents.

There are no monetary payments or gifts made to respondents associated with the information collection requirements contained in this regulation.

10. Assurance of confidentiality.

FRA does not expect the information in a training program submission to be of a confidential or proprietary nature. For instance, each railroad is expected to share the program submission, resubmission, or informational filing with the president of each labor organization that represents the railroad's employees subject to this part.⁷ It would be expected that information that needed to be kept private would need to be removed prior to sharing that programmatic material with the labor organization. FRA suggests

⁶ 85 FR 61085.

⁷ See 243.109(d).

214.341 – Roadway Maintenance Machines	The burden for this requirement is included under OMB No. 2130-0539.						
214.357(a)-(b)— Training and qualification program for operators of roadway maintenance machines (RMM) equipped with a crane	This burden requirement has been fulfilled by existing railroads. For new railroads, the requirement will be covered under section 214.307(a) under OMB Control No. 2130-0539.						
—Initial and periodic training and qualification of RMM Operators (Cranes)	FRA believes that this requirement falls under one of the items in 5 CFR 1320.3(h)(7) (examinations designed to test the aptitude, abilities, or knowledge of the person tested) that are not considered information by OMB.						
—(c) Records of training/qualification for operators of RMMs equipped with a crane	The burden for this requirement is included under OMB No. 2130-0539.						
232.203 – Training requirements	The burden for this requirement is included under OMB No. 2130-0008.						
243.101(a)(1)— Training program required for each class I railroad, and intercity or commuter Passenger Railroad with 400,000 Total Employee Work Hours Annually or More by Jan. 1, 2020	The burden for this requirement has been fulfilled.						
243.101(a)(2)— Training program required for each employer not covered by (a)(1) and subject	1,046 railroads/contractors	298 training programs	250 hours	74,500 hours	\$5,736,500	\$77	Effective May 1, 2021, each employer conducting operations subject to this Part with less than 400,000 total employee work hours annually shall submit, adopt, and comply with a training program for its safety-related

to this part by May 1, 2021							railroad employees. FRA estimates that it will take approximately 250 hours to create each training program.
—(b) Submission by new employers commencing operations after Jan. 1, 2020 not covered by (a)(2)	10 new railroads/contractors	10 training programs	20 hours	200 hours	\$24,000	\$120	Except for an employer subject to the requirement in paragraph (a)(2) of this section, an employer commencing operations subject to this Part after January 1, 2020, shall submit a training program for its safety-related railroad employees prior to commencing operations. Upon commencing operations, the employer shall adopt and comply with the training program. FRA estimates that it will take approximately 20 hours to create each training program.
—(c)-(d) Employer’s classification of its safety-related railroad employees and on-the-job (OJT) training requirements	<i>The burden for this requirement is included under § 243.101(a)-(b).</i>						
—(e) Contractor’s duty to validate approved program to a railroad	400 railroads/contractors	50 documents	15 minutes	12.5 hours	\$963	\$77	A contractor that chooses to train its own safety-related railroad employees shall provide each railroad that utilizes it with a document indicating that the contractor’s program of training was approved by FRA. FRA estimates that it will take approximately 15 minutes to provide each railroad with the validation document.
—(f) Railroad’s duty to retain copies of contractor’s validation document	10 new railroads	10 copies	2 minutes	.3 hours	\$23	\$77	A railroad that chooses to utilize contractor employees to perform safety-related duties and relies on contractor-provided training as the basis for those employees’ qualification to perform those duties shall retain a document from the contractor indicating that the

							contractor’s program was approved by FRA. A copy of the document required in paragraph (e) of this section satisfies this requirement. FRA estimates that it will take approximately two (2) minutes for the contractor to copy the validation document.
243.103—Training components identified in program	<i>The burden requirements for paragraphs (a) and (c) are included under § 243.101(a)-(b). The burden for paragraph (b), FRA estimates that it will receive zero (0) supplementary document.</i>						
—(d) Training components identified in program; modifications to components of the training programs	1,155 railroads/contractors	70 modified training programs	5 hours	350 hours	\$26,950	\$77	FRA may require modifications to any programs, including those programs referenced in paragraph (b) of this section, if it determines essential program components, such as OJT, or arranged practice and feedback, are missing or inadequate. FRA estimates that it will take approximately five (5) hours to modify each training program and send it to FRA.
243.105—Optional model program development.	<i>The burden requirement for paragraph (a) has been fulfilled. The burden for paragraph (b) is included under § 243.101(a)-(b.)</i>						
243.107—Training program submission, introductory information required	<i>The burden requirement for paragraph (a) has been fulfilled. The burden for paragraph (b) is included under § 243.101(a)-(b.)</i>						
243.109(a)—Training program submission, review, and approval process	<i>The burden for this requirement is included under § 243.103(d).</i>						
—(b) Previously approved programs requiring an informational filing when modified	1,155 railroads/contractors/learning institutions	10 informational filings	8 hours	80 hours	\$6,160	\$77	An employer’s initial program, as required by § 243.101(a) or § 243.101(b), must be submitted to FRA and is considered approved, and may be implemented immediately upon submission. If FRA determines that all or part

							<p>of the program does not conform, FRA will inform the employer of the specific deficiencies. An employer shall resubmit the portion of its program, as revised to address specific deficiencies, within 90 days after the date of any notice of deficiencies from FRA.</p> <p>FRA estimates that it will take each employer/railroad approximately eight (8) hours to revise its training program and send the updated document to FRA.</p>
—(c) New portions or substantial revisions to an approved training program	10 railroads/ contractors	10 revised training programs	16 hours	160 hours	\$12,320	\$77	<p>Substantial additions or revisions to a previously approved program, that are not described as informational filings in accordance with paragraph (b) of this section, shall be considered approved and may be implemented immediately upon submission.</p> <p>FRA estimates that it will take approximately 16 hours for the employer to revise its training program and send the updated document to FRA.</p>
—(c) New portions or substantial revisions to an approved training program found non-conforming to this part by FRA—revisions required	5 railroads/ contractors	5 revised training programs	8 hours	40 hours	\$3,080	\$77	<p>Any training program found to be non-conforming may require new portions or substantial revisions.</p> <p>FRA estimates that it will take approximately eight (8) hours to complete the revision and resubmission to FRA.</p>
—(d)(1)(i) Copy of additional submissions, resubmissions, and informational filings to labor organization presidents	10 railroads/ contractors	25 copies	10 minutes	4.2 hours	\$323	\$77	<p>Simultaneous with its filing with the FRA, a railroad must serve a copy of any submission, resubmission, or informational filing required pursuant to this section, to the president of each labor organization that represents the railroad's employees subject to this Part.</p> <p>FRA estimates that it will take each railroad</p>

							approximately 10 minutes to complete each copy and send it to the presidents of the relevant labor organizations.
—(d)(1)(ii) Railroad statement affirming that a copy of submissions, resubmissions, or informational filings has been served to labor organization presidents	228 railroads/contractors	76 affirming statements	10 minutes	12.7 hours	\$978	\$77	The railroad must include a statement affirming that the railroad has served a copy to the president of each labor organization that represents the railroad’s employees subject to this Part, together with a list of the names and addresses of persons served. FRA estimates that it will take each railroad approximately 10 minutes to complete each copy and send it to the presidents of the relevant labor organizations.
—(d)(2) Labor comments on railroad training program submissions, resubmissions, or informational filings	228 railroads’ labor organizations	3 comments	30 minutes	1.5 hours	\$116	\$77	Not later than 90 days from the date a railroad files its submission, resubmission, or informational filing required pursuant to this section, a representative designated by the president of each labor organization that represents railroad employees subject to this part, may file a comment on the submission, resubmission, or informational filing to FRA. FRA estimates that it will take each labor organization approximately 30 minutes to complete its comment and send it to FRA.
243.111(a)-(f)—Optional model program development	<i>The burden requirements for paragraphs (a) and (c) are included under § 243.101(a)-(b). The burden requirement for paragraphs (b) and (d) are covered under § 243.103(d). The burden requirement for paragraphs (e) and (f) are covered under § 243.109(b).</i>						
243.111(g)—Safety-related railroad employees instructed by training organizations and learning institutions (TO/LI) —	109 TO/LI	5,450 records	5 minutes	454.2 hours	\$34,973	\$77	Training organizations and learning institutions subject to this Part are required to maintain records for each safety-related railroad employee that attends the training, in accordance with the recordkeeping requirements of this Part.

recordkeeping							FRA estimates that it will take approximately five (5) minutes to complete each record.
—(h) TO/LI to provide student's training transcript or training record to any employer upon request by the student	109 TO/LI	545 records	5 minutes	45.4 hours	\$3,496	\$77	<p>Training organizations and learning institutions subject to this Part shall provide a student's training transcript or training record to any employer upon request by the student.</p> <p>FRA estimates that it will take each training organization/learning institution approximately five (5) minutes to provide each record.</p>
243.113— <i>Electronic and written program submission requirements</i>	<i>The burden for this requirement has been fulfilled.</i>						
243.201(a)(1)— <i>Employee qualification requirements</i>	<i>The burden for this requirement has been fulfilled.</i>						
243.201(a)(2)— Designation of existing safety-related railroad employees by job category (for employers not covered by (a)(1) and subject to this part by January 1, 2022)	1,039 railroads/contractors	346 designation lists	15 minutes	86.5 hours	\$6,661	\$77	<p>Each employer with less than 400,000 total employee work hours annually in operation as of January 1, 2022, shall declare the designation of each of its existing safety-related railroad employees by occupational category or subcategory, and only permit designated employees to perform safety-related service in that occupational category or subcategory.</p> <p>FRA estimates that it will take each employer/railroad approximately 15 minutes to complete its designation list and send it to FRA.</p>
—(b) New employers operating after January 1, 2020, not covered by (a)(2), designation of safety-related	10 new railroads/contractors	10 designation lists	15 minutes	2.5 hours	\$193	\$77	<p>Except for an employer subject to the requirement in paragraph (a)(2) of this section, an employer commencing operations after January 1, 2020, shall declare the designation of each of its existing safety-</p>

employees by job category—Lists							related railroad employees by occupational category or subcategory prior to beginning operations, and only permit designated employees to perform safety-related service in that category or subcategory. FRA estimates that it will take each employer/railroad approximately 15 minutes to complete its designation list and send it to FRA.
—(c) Training records of newly hired employees or those assigned new safety-related duties	4,800 employees	4,800 records	15 minutes	1,200 hours	\$92,400	\$77	Prior to an employee becoming a qualified member of an occupational category or subcategory, the employer shall require a safety-related railroad employee who is newly hired or is to engage in safety-related duties not associated with the employee’s previous training to successfully complete the formal training curriculum for that category or subcategory of safety-related railroad employee. FRA estimates that it will take approximately 15 minutes to complete each record.
—(d)(1)(i) Requests for relevant qualification or training record from an entity other than current employer	4,800 employees	960 record requests	5 minutes	80 hours	\$6,160	\$77	If an employee has received relevant qualification or training for a particular occupational category or subcategory through participation in an FRA-approved training program submitted by an entity other than the employee’s current employer, that training shall satisfy the requirements of this Part provided that a current record of training is obtained from that other entity. FRA estimates that it will take approximately five (5) minutes to complete each record request to the current employer provide the necessary record.

—(d) Testing of Employees	<i>Testing is not PRA. The testing records are covered under paragraphs (c) and (d)(1)(i) of this section.</i>						
243.203(a)-(e)—Recordkeeping—Systems set up to meet FRA requirements	1,155 railroads/ contractors/ TOLI	1,046 recordkeeping systems	30 minutes	523 hours	\$40,271	\$77	Each employer shall maintain records to demonstrate the qualification status of each safety-related railroad employee whom it employs. FRA estimates that it will take approximately 30 minutes to set up each system to meet FRA requirements.
—(f) Transfer of records to successor employer	1,155 railroads/ contractors/ TOLI	3 records	30 minutes	1.5 hours	\$116	\$77	If an employer ceases to do business and its assets will be transferred to a successor employer, it shall transfer to the successor employer all records required to be maintained under this Part, and the successor employer shall retain them for the remainder of the period prescribed in this Part. FRA estimates that it will take approximately 30 minutes to transfer each record to the new employer.
243.205(a), (b), (e) and (g) —Periodic oversight	<i>FRA believes that a part of this requirement falls under one of the items in 5 CFR 1320.3(h)(7) (examinations designed to test the aptitude, abilities, or knowledge of the person tested) that are not considered information by OMB. Additionally, the burden for adopting and complying with a program of periodic oversight under paragraph (a) is included above under the training program requirements in §§ 243.101(a) and 243.109. Furthermore, the burden under paragraph (b), FRA estimates that zero (0) training programs will be changed as the result of Parts 240 and 242 assessments.</i>						
—(c) Railroad identification of supervisory employees who conduct periodic oversight tests by category/subcategory	300 contractors	100 identifications	5 minutes	8.3 hours	\$639	\$77	Each railroad shall identify supervisory employees, by category or subcategory, responsible for conducting periodic oversight tests and inspections for the safety-related railroad employees that it authorizes to perform safety-related duties on its property. FRA estimates that it will take approximately five (5) minutes to record each supervisory employee.

—(f) Notification by RR of contractor employee non-compliance with Federal laws/regulations/orders to employee and employee’s employer	300 contractors	90 employee notices	10 minutes	15 hours	\$1,155	\$77	<p>A railroad that finds evidence of contractor employee non-compliance with Federal railroad safety laws, regulations, and orders particular to FRA-regulated personal and work group safety during the periodic oversight shall provide that employee with details of the non-compliance.</p> <p>FRA estimates that it will take approximately 10 minutes to complete each employee notification.</p>
—(f) Notification by RR of contractor employee non-compliance with Federal laws/regulations/orders to employee and employee’s employer	300 contractors	270 employer notices	10 minutes	45 hours	\$3,465	\$77	<p>A railroad that finds evidence of contractor employee non-compliance with Federal railroad safety laws, regulations, and orders particular to FRA-regulated personal and work group safety during the periodic oversight shall provide that employee’s employer with details of the non-compliance.</p> <p>FRA estimates that it will take approximately 10 minutes to complete each employer notification.</p>
—(i) and (j) Employer records of periodic oversight	1,046 railroads/contractors	150,000 records	5 minutes	12,500 hours	\$962,500	\$77	<p>Each employer that conducts periodic oversight in accordance with this section must keep a record of the date, time, place, and result of each test or inspection. The records shall specify each person administering tests and inspections, and each person tested. The record shall also provide a method to record whether the employee complied with the monitored duties, and any interventions used to remediate non-compliance.</p> <p>FRA estimates that it will take approximately five (5) minutes to complete each record.</p>
243.207(a)—Written annual review of	22 railroads	22 reviews	16 hours	352 hours	\$27,104	\$77	Each railroad that is required to conduct periodic oversight in accordance with

safety data (Railroads with 400,000 annual employee work hours or more)							<p>§243.205 is also required to conduct an annual review, as provided in this section.</p> <p>FRA estimates that it will take approximately 16 hours to complete each annual review.</p>
—(b) Railroad copy of written annual review at system headquarters	22 railroads	22 review copies	5 minutes	1.8 hours	\$139	\$77	<p>Each railroad required to conduct an annual review shall retain, at its system headquarters, one copy of the written annual review.</p> <p>FRA estimates that it will take approximately five (5) minutes to complete each record.</p>
—(e) Railroad notification to contractor of relevant training program adjustments	22 railroads	2 notifications	15 minutes	.5 hours	\$39	\$77	<p>If a railroad utilizes a contractor that directly trains its own safety-related railroad employees, the railroad shall notify the contractor of the relevant training program adjustments made to the railroad’s program in accordance with paragraph (d) of this section.</p> <p>FRA estimates that each notification will take approximately 15 minutes.</p>
—(c), (d), (f), and (g) Railroad designation and adjustments to training	<i>The burden for these requirements are covered under §§ 243.109 and 243.207(a).</i>						
243.209(a)—(b)—Railroad maintained list of contractors utilized	746 railroads	746 lists	30 minutes	373 hours	\$28,721	\$77	<p>Each railroad utilizing contractors to supply the railroad with safety-related railroad employees shall maintain a list, at its system headquarters, with information regarding each contractor utilized.</p> <p>FRA estimates that it will take approximately 30 minutes to complete each list.</p>
—(c) Railroad duty to update list of contractors utilized and retain record for at least 3 years showing	746 railroads	75 updated lists	15 minutes	18.8 hours	\$1,444	\$77	<p>The information required by this section shall be continuously updated as additional contractors are utilized, and no contractor information shall be deleted from the list unless the contractor has not been utilized for</p>

if a contractor was utilized in last 3 years							at least three (3) years from the end of the calendar year the contractor was last utilized. FRA estimates that it will take approximately 15 minutes to update each list.
Total	1,155 railroads/contractors/training organizations/learning institutions	165,054 responses	N/A	91,069 hours	\$7,020,889	N/A	N/A

13. Estimate of total annual costs to respondents.

Besides the costs fully itemize in answer to question number 12, there are no other costs to respondents associated with this collection of information.

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 of 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 (or times 1.75).

FRA Staff Review Cost	Number of FRA Employees	FRA employee compensation rate (\$)	Hours	Number of Entities	Total (\$)
Training Program Submissions/Resubmissions/ Informational Filings					
GS-15 employee	1	\$121	32	10	\$38,720
GS-14 employee	4	\$102	32	10	\$130,560
Other Training Program Submissions/Resubmissions/Informational Filings					
GS-15 employee	1	\$121	24	10	\$29,040
GS-14 employee	4	\$102	24	10	\$97,920
Modified Training Programs					
GS-14 employee	4	\$102	4	70	\$114,240

Contractor/Learning Institution Training Program Submissions/Resubmissions/ Informational Filings					
GS-15 employee	1	\$121	24	298	\$865,392
GS-14 employee	4	\$102	24	298	\$2,918,016
Total, Governmental Cost					\$4,193,888

15. Explanation of program changes and adjustments.

The current OMB inventory for this information collection shows a total burden of 282,824 hours and 78,147 responses while the requesting inventory estimates a total burden of 91,069 hours and 165,054 responses. Overall, the burden for this submission has decreased by 191,755 hours and increased by 86,907 responses. There is no change in the method of the collection. The decrease in burden is solely the result of adjustments.

FRA determined some of the estimates were double counted and/or outdated, while other estimates were not PRA requirements, thus leading to the increased figures in the current inventory, which were decreased accordingly in this extension request. The table below provides specific information on any burden estimates that have changed from the previous submission.

Table for Adjustments

CFR Section	Total Annual Responses			Total Annual Burden Hours			PRA Estimates and Analyses
	Previous Submission	Current Submission	Difference	Previous Submission	Current Submission	Difference	
214.357(a)-(b)— Training and qualification program for operators of roadway maintenance machines (RMM) equipped with a crane	535 revised programs (4 hours)	0	-535 revised programs	2,140 hours	0	-2,140 hours	The burden for this requirement is included under OMB No. 2130-0539.
—Initial	1,750 trained	0	-1,750 trained	42,000	0	-42,000	This burden requirement has been

Training/Qualification of RMM Operators (Cranes)	roadway workers (24 hours)		roadway workers	hours		hours	fulfilled by existing railroads. For new railroads, the requirement will be covered under section 214.307(a) under OMB Control No. 2130-0539.
—Initial Training/Qualification of RMM Operators (Cranes)	15,646 trained roadway workers (4 hours)	0	-15,646 trained roadway workers	62,584 hours	0	-62,584 hours	This requirement falls under one of the items in 5 CFR 1320.3(h)(7) (examinations designed to test the aptitude, abilities, or knowledge of the person tested) that are not considered information by OMB.
—Periodic Training/Qualification of RMM Operators (Cranes)	17,396 trained roadway workers (1 hour)	0	-17,396 trained roadway workers	17,396 hours	0	-17,396 hours	This requirement falls under one of the items in 5 CFR 1320.3(h)(7) (examinations designed to test the aptitude, abilities, or knowledge of the person tested) that are not considered information by OMB.
—(c) Records of training/qualification for operators of RMMs equipped with a crane	17,396 records (15 minutes)	0	-17,396 records	4,349 hours	0	-4,349 hours	The burden for this requirement is included under OMB No. 2130-0539.
243.101(a)(1)— Training program required for each class I railroad, and intercity or commuter Passenger Railroad with 400,000 Total Employee Work Hours Annually or More by Jan. 1, 2020	18 training programs (6,480 hours)	0	-18 training programs	116,640 hours	0	-116,640 hours	The burden for this requirement has been fulfilled.
243.101(a)(2)— Training program required for each employer not	496 training programs (20 hours)	298 training programs (250 hours)	-198 training programs	9,920 hours	74,500 hours	64,580 hours	The increase in burden hours is due to a review of estimated time to complete each training program. FRA had previously underestimated the burden,

covered by (a)(1) and subject to this Part by May 1, 2021							and this updated estimate is more accurate in terms of the time necessary to prepare this type of document. Additionally, the responses were reduced due to the number of railroads and contractors that will commence operations.
—(b) Submission by new employers commencing operations after Jan. 1, 2020 not covered by (a)(2)	5 training programs (40 hours)	10 training programs (20 hours)	5 training programs	200 hours	200 hours	0	The reduction in responses is due to a decrease in number of railroads and contractors that will commence operations (respondent universe). Additionally, the amount of time per training program decreased because FRA had previously overestimated the burden, and this updated estimate is more accurate in terms of the time necessary to prepare this type of document.
—(e) Contractor’s duty to validate approved program to a railroad	50 documents (15 minutes)	50 documents (15 minutes)	0	13 hours	12.5 hours	-.5 hours	The adjustment is due to unrounded burden.
—(f) Railroad’s duty to retain copies of contractor’s validation documents	50 copies (10 minutes)	10 copies (2 minutes)	-40 copies	8 hours	.3 hours	-7.7 hours	The reduction in responses is due to a decrease in respondent universe. Additionally, the amount of time to make a copy of each document decreased because FRA had previously overestimated the burden, and this updated estimate is more accurate in terms of the time necessary to copy this type of document.
243.103(d)— Training components identified in program; modifications to	73 modified training programs (10 hours)	70 modified training programs (5 hours)	-3 modified training programs	730 hours	350 hours	-380 hours	The reduction in responses is due to a decrease in respondent universe. Additionally, the amount of time per document modification has decreased because FRA had previously overestimated the burden, and this

components of the training programs							updated estimate is more accurate in terms of the time necessary to prepare this type of document.
243.105—Optional model program development.	4 model training programs (8 hours)	0	-4 model training programs	32 hours	0	-32 hours	The burden for this requirement has been fulfilled.
—Customized training program submissions	113 customized training programs (4 hours)	0	-113 customized training programs	452 hours	0	-452 hours	The burden for this requirement is included under § 243.101(a)-(b.)
243.109—Training program submission, review, and approval process--Initial training programs found non-conforming to this part by FRA—Revisions to training programs	7 revised training programs (10 hours)	0	-7 revised training programs	70 hours	0	-70 hours	The burden for this requirement is included under § 243.103(d).
—(a)(2) Written request to extend revision/resubmission deadline	1 request (15 minutes)	0 request	-1 request	.3 hours	0	-.3 hours	The burden for this requirement is included under § 243.103(d).
243.109(b)—Previously approved programs requiring an informational filing when modified	8 informational filings (432 hours)	10 informational filings (8 hours)	2 informational filings	3,456 hours	80 hours	-3,376 hours	The reduction is due to average time per submission. The informational filings, consisting of summary changes to an approved program, takes about a day to write, gather the necessary information needed, and send it to FRA. FRA had previously overestimated the burden, and this updated estimate is more accurate in

							terms of the time necessary to prepare this type of document.
—(c) New portions or substantial revisions to an approved training program	25 revised training programs (16 hours)	10 revised training programs (16 hours)	-15 revised training programs	400 hours	160 hours	-240 hours	The reduction in responses is due to a decrease in respondent universe.
—(c) New portions or substantial revisions to an approved training program found non-conforming to this part by FRA—revisions required	12 revised training programs (16 hours)	5 revised training programs (8 hours)	-7 revised training programs	192 hours	40 hours	-152 hours	The reduction in responses is due to a decrease in respondent universe. Additionally, the amount of time per document modification has decreased because FRA had previously overestimated the burden, and this updated estimate is more accurate in terms of the time necessary to prepare this type of document.
—(d)(1)(i) Copy of additional submissions, resubmissions, and informational filings to labor organization presidents	225 copies (15 minutes)	25 copies (10 minutes)	-200 copies	56 hours	4 hours	-52 hours	The reduction in responses is due to a decrease in respondent universe. Additionally, the amount of time to make a copy of each document decreased because FRA had previously overestimated the burden, and this updated estimate is more accurate in terms of the time necessary to copy this type of document.
—(d)(1)(ii) Railroad statement affirming that a copy of submissions, resubmissions, or informational filings has been served to labor organization presidents	25 affirming statements (1 hour)	76 affirming statements (10 minutes)	51 affirming statements	25 hours	13 hours	-12 hours	The increase in responses is due to an increase in respondent universe. FRA had previously underestimated the number of labor organization. Additionally, the amount of time per submission has been reduced and now is more accurate in terms of the time necessary to prepare this type of document.
—(d)(2) Labor comments on railroad training	3 comments (4 hours)	3 comments (30 minutes)	0	12 hours	2 hours	-11 hours	The reduction is due to average time per submission because FRA had previously overestimated the burden,

program submissions, resubmissions, or informational filings							and this updated estimate is more accurate in terms of the time necessary to prepare this type of document.
243.111(b)— Written request by training organization or learning institution (TO/LI) previously providing training services to railroads before Jan. 1, 2019, to provide such services after Jan. 1, 2020	3 requests (1 hour)	0	-3 requests	3 hours	0	-3 hours	The burden for this requirement is covered under § 243.103(d).
—(d) Revised/resubmitted training program by TO/LI after found deficient by FRA	2 revised training programs (20 hours)	0	-2 revised training programs	40 hours	0	-40 hours	The burden for this requirement is covered under § 243.109(b).
—(e) Informational filing by TO/LI due to new federal requirements or new technologies/procedures/equipment	1 informational filing (432 hours)	0	-1 informational filing	432 hours	0	-432 hours	The burden for this requirement is covered under § 243.109(b).
—(f) New portions or revisions to TO/LI training program found deficient	2 revised training programs (20 hours)	0	-2 revised training programs	40 hours	0	-40 hours	The burden for this requirements for paragraphs (a) and (c) are included under § 243.101(a)-(b).
—(g) Safety related employees instructed by TO/LI--Training employees	1,600 trained employees (8 hours)	0	-1,600 trained employees	12,800 hours	0	-12,800 hours	This requirement falls under one of the items in 5 CFR 1320.3(h)(7) (examinations designed to test the aptitude, abilities, or knowledge of the person tested) that are not considered

							information by OMB.
243.111(g)—Safety-related railroad employees instructed by training organizations and learning institutions (TO/LI)--recordkeeping	1,600 records (5 minutes)	5,450 records (5 minutes)	3,850 records	133 hours	454 hours	321 hours	The increase in responses is due to an increase in respondent universe (number of learning institutions).
—(h) Request to TO/LI by student to provide transcript or record	200 record requests (5 minutes)	0	-200 record requests	17 hours	0	-17 hours	The burden for this requirement is covered below.
—(h) TO/LI to provide student's training transcript or training record to any employer upon request by the student	200 records (5 minutes)	545 records (5 minutes)	345 records	17 hours	45 hours	28 hours	The increase in responses is due to an increase in respondent universe (number of learning institutions).
243.113(b)—Required information provided to FRA by electronic filing-- (each class I railroad, and intercity or commuter passenger railroad with 400,000 total employee work hours annually or more)	60 web registrations (15 minutes)	0	-60 web registrations	15 hours	0	-15 hours	The burden for this requirement has been fulfilled.
243.201(a)(1)—Designation of	13 lists (15 minutes)	0	-13 lists	3 hours	0	-3 hours	The burden for this requirement has been fulfilled.

existing safety-related employees by job category (each class I railroad, and intercity or commuter passenger railroad with 400,000 total employee work hours annually or more)							
—(a)(1) Written request to extend deadline for designation list by these employers	3 requests (1 hour)	0	-3 requests	3 hours	0	-3 hours	The burden for this requirement has been fulfilled.
—(a)(2) Designation of existing safety-related railroad employees by job category (for employers not covered by (a)(1) and subject to this Part by January 1, 2022)	0	346 designated lists (15 minutes)	346 designated lists	0	86.5 hours	86.5 hours	This requirement now falls within the scope of the normal OMB approval period for agency information collection submissions.
—(b) New employers operating after January 1, 2020, not covered by (a)(2), designation of safety-related employees by job category--Lists	5 designation lists (15 minutes)	10 designation lists (15 minutes)	5 designation lists	1 hour	2.5 hours	1.5 hours	The increase in responses is due to an increase in respondent universe.

—(c) Designation of Newly Hired Employees or Those Assigned New Safety-related Duties	114 trained employees (8 hours)	0	-114 trained employees	912 hours	0	-912 hours	This requirement falls under one of the items in 5 CFR 1320.3(h)(7) (examinations designed to test the aptitude, abilities, or knowledge of the person tested) that are not considered information by OMB.
—(c) Training records of newly hired employees or those assigned new safety-related duties	114 records (15 minutes)	4,800 records (15 minutes)	4,686 records	29 hours	1,200 hours	1,171 hours	The increase in responses is due to an increase in respondent universe. FRA had previously underestimated the number of employees covered under this requirement.
—(d)(1)(i) Requests for relevant qualification or training record from an entity other than current employer	22 record requests (5 minutes)	960 record requests (5 minutes)	938 record requests	2 hours	80 hours	78 hours	The increase in responses is due to an increase in respondent universe. FRA had previously underestimated the number of employees covered under this requirement.
—(d)(1)(ii) Testing of Employees When Current Record of Training is Unavailable	136 tests (hours)	0	-136 tests	578 hours	0	-578 hours	This requirement falls under one of the items in 5 CFR 1320.3(h)(7) (examinations designed to test the aptitude, abilities, or knowledge of the person tested) that are not considered information by OMB. The testing records are covered under paragraphs (c) and (d)(1)(i) of this section.
—(d)(2) Testing of Employees Who Have Not Received Initial/Periodic Training or Who Have Not Performed the Necessary Safety-Related Duties for an Occupational Category or Subcategory in the	68 tests (8 minutes)	0	-68 tests	544 hours	0	-544 hours	This requirement falls under one of the items in 5 CFR 1320.3(h)(7) (examinations designed to test the aptitude, abilities, or knowledge of the person tested) that are not considered information by OMB. The testing records are covered under paragraphs (c) and (d)(1)(i) of this section.

Previous 180 Days							
—(d)(1)(ii) Records kept after testing of employees when current record of training is unavailable or shows service not current	68 records (30 minutes)	0	-68 records	34 hours	0	-34 hours	The burden for this requirement is covered under paragraphs (c) and (d)(1)(i) of this section.
243.203—(a)-(e) Recordkeeping—Systems set up to meet FRA requirements	20 recordkeeping systems (120 hours)	1,046 recordkeeping systems (30 minutes)	1,026 recordkeeping systems	2,400 hours	523 hours	-1,877 hours	The previous submission for responses and average time per response were outdated and were based on the initial figures published in 79 FR 66460, Nov. 7, 2014. Learning management systems already have recordkeeping systems in place and it would take about 30 minutes to update their systems with this requirement instead the outdated figure of 120 hours. Thus, the current figures represent our latest and best estimates.
—(f) Transfer of records to successor employer	20 records (15 minutes)	3 records (30 minutes)	-17 records	5 hours	2 hours	-4 hours	The reduction in responses is based on how infrequently records are transferred. Additionally, the amount of time per submission has been increased and now is more accurate in terms of the time necessary to prepare this type of record transfer.
243.205—Modified training resulting from periodic oversight tests and inspections	1 modified program (40 hours)	0	-1 modified program	40 hours	0	-40 hours	The burden for this requirement is covered under § 243.109(c).
—Periodic Tests and Inspections	8,600 tests/ inspections (10 minutes)	0	-8,600 tests/ inspections	1,433 hours	0	-1,433 hours	This requirement falls under one of the items in 5 CFR 1320.3(h)(7) (examinations designed to test the aptitude, abilities, or knowledge of the

							person tested) that are not considered information by OMB.
—(c) Railroad identification of supervisory employees who conduct periodic oversight tests by category/subcategory	10 identifications (5 minutes)	100 identifications (5 minutes)	90 identifications	1 hour	8.3 hours	7.3 hours	The increase in responses is due to an increase in respondent universe (contractors).
—(e) Contractor Periodic Tests/Inspections Conducted by RR Supervisory Employees	4,695 tests/ inspections (20 minutes)	0	-4,695 tests/ inspections	1,565 hours	0	-1,565 hours	This requirement falls under one of the items in 5 CFR 1320.3(h)(7) (examinations designed to test the aptitude, abilities, or knowledge of the person tested) that are not considered information by OMB.
—(f) Notification by RR of contractor employee non-compliance with federal laws/regulations/orders to employee and employee's employer	175 employee notices (5 minutes)	90 employee notices (10 minutes)	-85 employee notices	15 hours	15 hours	0	Additionally, the amount of time per submission has been increased and now is more accurate in terms of the time necessary to prepare this type of document.
—(f) Notification by RR of contractor employee non-compliance with federal laws/regulations/orders to employee and employee's employer	175 employee notices (5 minutes)	270 employee notices (10 minutes)	95 employee notices	15 hours	45 hours	30 hours	Additionally, the amount of time per submission has been increased and now is more accurate in terms of the time necessary to prepare this type of document.
—(g) Contractor conduct of Periodic Oversight	795 tests/ inspections (10 minutes)	0	-795 tests/ inspections	133 hours	0	-133 hours	This requirement falls under one of the items in 5 CFR 1320.3(h)(7) (examinations designed to test the

Tests/Inspections of Its Safety-related Employees							aptitude, abilities, or knowledge of the person tested) that are not considered information by OMB.
—Contractor Direct Training of Its Employees for Qualifying Those Employees to Perform Safety-related Duties	45 trained employees (8 hours)	0	-45 trained employees	360 hours	0	-360 hours	This requirement falls under one of the items in 5 CFR 1320.3(h)(7) (examinations designed to test the aptitude, abilities, or knowledge of the person tested) that are not considered information by OMB.
—(i) and (j) Employer records of periodic oversight	5,490 records (5 minutes)	150,000 records (5 minutes)	144,510 records	458 hours	12,500 hours	12,042 hours	Periodic oversight applies to all railroads and some contractors. FRA had previously underestimated the number of responses. This update is more accurate in terms of number of responses to be expected.
243.207(a)—Written annual review of safety data (Railroads with 400,000 annual employee work hours or more)	4 reviews (20 hours)	22 reviews (16 hours)	18 reviews	80 hours	352 hours	272 hours	This update is more accurate in terms of number of responses to be expected. Additionally, the amount of time per submission has been reduced and now is more accurate in terms of the time necessary to prepare this type of document.
—(b) Railroad copy of written annual review at system headquarters	4 review copies (20 minutes)	22 review copies (5 minutes)	18 review copies	1 hour	1.8 hours	.8 hours	This update is more accurate in terms of number of responses to be expected. Additionally, the amount of time per submission has been reduced and now is more accurate in terms of the time necessary to prepare this type of document.
—(c) RR designation of person(s) to conduct written annual review	48 designations (15 minutes)	0	-48 designations	12 hours	0	-12 hours	The burden for this requirement is covered under § 243.109(b).
—(d) Adjustments	1 adjusted	0	-1 adjusted	1 hour	0	-1 hour	The burden for this requirement is

to initial/refresher training based upon results of written annual review	program (1 hour)		programs				covered under § 243.109(b).
—(e) Railroad notification to contractor of relevant training program adjustments	2 notifications (15 minutes)	2 notifications (15 minutes)	0	1 hour	.5 hours	-.5 hours	The adjustment is due to unrounded burden.
—(f) Contractor adjustment of its training program based on RR information	1 adjusted program (20 hours)	0	-1 adjusted program	20 hours	0	-20 hours	The burden for this requirement is covered under § 243.109(b).
243.209(a) – (b)— Railroad maintained list of contractors utilized	11 lists (30 minutes)	746 lists (30 minutes)	735 lists	6 hours	373 hours	368 hours	This requirement applies to all railroads. FRA had previously underestimated the number of responses. This update is more accurate in terms of number of responses to be expected.
—(c) Railroad duty to update list of contractors utilized and retain record for at least 3 years showing if a contractor was utilized in last 3 years	1 updated list (15 minutes)	75 updated lists (15 minutes)	74 updated lists	.3 hours	18.8 hours	18.5 hours	This requirement applies to all railroads. FRA had previously underestimated the number of responses. This update is more accurate in terms of number of responses to be expected.

16. Publication of results of data collection.

FRA has no plans to publish this information.

17. Approval for not displaying the expiration date for OMB approval.

Once OMB approval is received, FRA will publish the approval number for these information collection requirements in the Federal Register.

18. Exception to certification statement.

No exceptions are taken at this time.