

1FEDERAL RAILROAD ADMINISTRATION
Metrics and Minimum Standards for Intercity Passenger Rail Service (49 CFR 273)
SUPPORTING JUSTIFICATION
RIN 2130-AC85; OMB No. 2130-0632

Summary of Submission

- This is a revision to a previously approved emergency clearance request. The emergency clearance request was approved for only 2 of the sections of the information collections under the rule for Metrics and Minimum Standards for Intercity Passenger Rail Service, as these provisions began on December 16, 2020. The other provisions were not immediately needed, therefore, those were not included on the original emergency submission. This revision includes the additional provisions required under the rule making
- The total number of **burden hours requested** for this submission is **507 hours**.
- The total number of **responses requested** for this submission is **117**.

** The answer to question **number 12** itemizes the hourly burden associated with each requirement of this rule (see page 5).

1. Circumstances that make collection of the information necessary.

On October 16, 2008, President George W. Bush signed the Passenger Rail Investment and Improvement Act of 2008, Pub. L. 110-432, 122 Stat. 4907 (PRIIA) into law. Section 207 of PRIIA requires FRA and Amtrak jointly to develop new or improved metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services.

Section 207 also calls for consultation with the Surface Transportation Board (STB), rail carriers over whose rail lines Amtrak trains operate, States, Amtrak employees, and groups representing Amtrak passengers, as appropriate.

Section 207 further provides that the metrics, at a minimum, must include: the percentage of avoidable and fully allocated operating costs covered by passenger revenues on each route; ridership per train mile operated; measures of on-time performance and delays incurred by intercity passenger trains on the rail lines of each rail carrier; and, for long-distance routes, measures of connectivity with other routes in all regions currently receiving Amtrak service and the transportation needs of communities and populations that are not well-served by other forms of intercity transportation. Section 207 requires

Amtrak to provide reasonable access to the FRA in order to enable the FRA to carry out its duty under section 207.

Section 207 also provides that the Federal Railroad Administrator must collect the necessary data and publish a quarterly report on the performance and service quality of intercity passenger train operations, including Amtrak's cost recovery, ridership, on-time performance and minutes of delay, causes of delay, on-board services, stations, facilities, equipment, and other services.

In connection with the Congressional mandate, FRA's Metrics and Minimum Standards for Intercity Passenger Rail Service final rule set forth a number of metrics that must be collected. The emergency information request, which was recently approved by OMB, consisted of approval for only two (2) of those metrics. This request includes all metrics set forth in the final rule including the continuation of the two (2) pre-approved metrics from the emergency request.

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

As stated, section 207 requires the FRA to collect data and publish a quarterly report on the performance and service quality of intercity passenger train operations, including Amtrak's cost recovery, ridership, on-time performance and minutes of delay, causes of delay, on-board services, stations, facilities, equipment, and other services. Amtrak's reports to FRA associated with 16 metrics on a quarterly basis, 5 on an annual basis, and 1 on a monthly basis are conducted pursuant to this direction. In addition, as noted, Amtrak and a host railroad are required to submit a joint monthly letter to Congress and other officials, should they not certify a schedule within six months. These letters ensure that policymakers are aware of the status of the train schedule, and that a sense of urgency is maintained by the parties to resolve the disagreement.

3. Extent of automated information collection.

FRA strongly encourages and highly endorses the use of advanced information technology, wherever possible, to reduce burden on respondents. As such, with respect to all of Amtrak's reports to FRA, Amtrak may use advanced information technology. However, with respect to the joint letter to Congress requirement, in consideration of the specific use of the monthly letters to Congress and other government agencies, FRA is requiring paper submission for this information collection. It should be noted that the burden for this information collection is fairly minimal.

4. Efforts to identify duplication.

FRA is not aware of any other relevant rules or information collections that may duplicate, overlap, or conflict with this request. Similar data are not available from any other source.

5. Efforts to minimize the burden on small businesses.

The Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601 et seq.) and Executive Order 13272 (67 FR 53461, Aug. 16, 2002) require agency review of proposed and final rules to assess their impacts on small entities. When an agency issues a rulemaking proposal, the RFA requires the agency to “prepare and make available for public comment an initial regulatory flexibility analysis” which will “describe the impact of the proposed rule on small entities.” (5 U.S.C. §. 603(a)).

Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the proposed rulemaking is not expected to have a significant economic impact on a substantial number of small entities. Out of an abundance of caution, FRA prepared an initial regulatory flexibility analysis to accompany the NPRM, which noted no expected significant economic impact on a substantial number of small entities. In the final rule, FRA certified that it will not have a significant economic impact on a substantial number of small entities.

Description of Small Entities Impacted by the Final Rule

In consultation with the SBA, FRA has published a final statement of agency policy that formally establishes “small entities” or “small businesses” as railroads, contractors, and hazardous materials shippers that meet the revenue requirements of a Class III railroad as set forth in 49 CFR 1201.1-1, which is \$20 million or less in inflation-adjusted annual revenues, and commuter railroads or small governmental jurisdictions that serve populations of 50,000 or less. See 68 FR 24891 (May 9, 2003) (codified at appendix C to 49 CFR part 209). FRA used this definition for the final rule.

The final rule impacted Amtrak and Amtrak’s host railroads. The rule established a customer OTP metric and a certified schedule metric, which will likely result in modifications to some of Amtrak’s published train schedules. Amtrak is not a small entity and the majority of the host railroads are Class I railroads or State Departments of Transportation, none of which are small entities. There are currently 12 host railroads that are small entities, including approximately 8 switching and terminal railroads and 4 short line or regional railroads. There are approximately 695 class III railroads on the general system. Therefore, the 12 small entities potentially affected by the final rule are not considered a substantial number of small entities.

Economic Impact on Small Entities

FRA has determined that the economic impact on small entities will not be significant. The final rule does not require published train schedule modifications. However, FRA assumes that, as a result of the Metrics and Standards final rule, Amtrak will engage with many host railroads to discuss modifications to the published train schedule to align the schedules with the customer OTP metric.

There are currently twelve host railroads that are small entities, including approximately eight switching and terminal railroads and four short line and regional railroads. The impact on those small entities are very minimal. The switching and terminal railroads are not likely burdened by the final rule because Amtrak only operates over those routes for short distances and has very few stops along those sections of track. Those railroads already meet with Amtrak on a periodic basis, so any discussions regarding their schedule will take place at that time. It is likely that no schedule adjustments are required along those routes.

Amtrak has limited stops along the routes of the four short line and regional railroads; therefore, published train schedule adjustments would be brief. Those railroads also already meet with Amtrak on a periodic basis and discussions regarding schedules can take place at that time. Such discussions may add a minimal amount of time to those meetings. However, published train schedule adjustments may not even be necessary for these railroads.

Other than the customer OTP metric, the final rule did not provide an additional burden on Amtrak or the host railroads. Amtrak already collects the data to support these new metrics; therefore, there is no additional burden.

6. Impact of less frequent collection of information.

By law, Amtrak is required to report information in connection with the metrics to FRA consistent with the Metrics and Standards final rule. See PRIIA § 207(a) (“Amtrak shall provide reasonable access to the Federal Railroad Administration in order to enable the Administration to carry out its duty under this section.”); and § 207(b) (“The Administrator of the Federal Railroad Administration shall collect the necessary data and publish a quarterly report on the performance and service quality of intercity passenger train operations . . .”). In addition, the final rule’s requirement to transmit a joint letter to Congress and other officials in the event of an uncertified schedule is an important incentive of the final rule to encourage both Amtrak and the host railroads to negotiate train schedules and to maximize on-time performance.

7. Special circumstances.

All information collection requirements are in compliance with this section.

8. Compliance with 5 CFR 1320.8.

As required by the Paperwork Reduction Act of 1995, FRA published a notice in the *Federal Register* on December 10, 2020, soliciting comment on this information collection.¹ FRA received no comments related to the proposed collection of information.

As part of the effort to develop this rule, FRA and Amtrak consulted with many stakeholders, including each of the Class I railroads that host Amtrak trains; states; Amtrak employee labor organizations; an advocacy group representing Amtrak passengers; and the Surface Transportation Board.

9. Payments or gifts to respondents.

There are no monetary payments provided or gifts made to respondents associated with the information collection.

10. Assurance of confidentiality.

The agency is required to make available documents and information collected in compliance with the regulation to those individuals making formal requests under the Freedom of Information Act. FRA does not actively solicit or encourage such requests.

Information collected is not of a confidential nature, and FRA pledges no confidentiality.

11. Justification for any questions of a sensitive nature.

There are no questions or information of a sensitive nature or data that would normally be considered private matters contained in this collection.

12. Estimate of burden hours for information collected.

The following chart lists the specific information that must be provided to FRA from Amtrak and the frequency in which it must be submitted. The details of each metric and how it should be calculated are listed in the Final Rule as indicated by the CFR section citation provided. There are no forms associated with the collection of this information.

¹ 85 FR 52190

CFR Section	Respondent universe	Total Annual responses	Average time per responses	Total annual burden hours	Total annual burden hours Notes	Total cost equivalent ²
273.5(a)—Customer on-time performance	1 railroad	4	1 hour	4		\$310
273.5(b)—Ridership data	1 railroad	12	1 hour	22	(One-time 10 hour start-up burden + average response time)	\$1,704
273.5(c)—Certified schedule	1 railroad	7	1 hour	27	(One-time 20 hour start-up burden + average response time in the first year; after first year it is one annual response with an average time per response of 1 hour)	\$2,092
273.5(c)(2)—Monthly letter to U.S. Congress and other officials	24 railroads	30	10 hours	300	(Estimated to only be incurred in the first year)	\$50,328
273.5(d)—Train delays	1 railroad	4	1 hour	4		\$310
273.5(e)—Train delays per 10,000 train miles	1 railroad	4	1 hour	4		\$310
273.5(f)—Station performance	1 railroad	4	1 hour	24	(One-time 20 hour start-up burden + average response time)	\$1,859
273.5(f)—Host running time	1 railroad	4	1 hour	44	(One-time 40 hour start-up burden + average response time)	\$3,409
273.7(a)—Customer satisfaction	1 railroad	4	1 hour	4		\$310
273.7(b)—Amtrak personnel	1 railroad	4	1 hour	4		\$310
273.7(c)—Information given	1 railroad	4	1 hour	4		\$310
273.7(d)—On-board comfort	1 railroad	4	1 hour	4		\$310
273.7(e)—On-board cleanliness	1 railroad	4	1 hour	4		\$310
273.7(f)—On-board food service	1 railroad	4	1 hour	4		\$310
273.9(a)—Cost recovery	1 railroad	4	1 hour	4		\$310
273.9(b)—Avoidable operating costs covered by passenger revenue	1 railroad	4	1 hour	4		\$310

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

273.9(c)—Fully allocated core operating costs covered by passenger revenue	1 railroad	4	1 hour	4		\$310
273.9(d)—Average ridership	1 railroad	4	1 hour	4		\$310
273.9(e)—Total ridership	1 railroad	4	1 hour	4		\$310
273.11(a)—Connectivity	1 railroad	1	1 hour	1		\$77
273.11(b)—Missed connections	1 railroad	1	1 hour	11	(One-time 10 hour start-up burden + average response time)	\$852
273.11(c)—Community access	1 railroad	1	1 hour	11	(One-time 10 hour start-up burden + average response time)	\$852
273.11(d)—Service availability	1 railroad	1	1 hour	11	(One-time 10 hour start-up burden + average response time)	\$852
TOTAL		117	15 hours	507		\$66,365.00

The total estimated annual burden for this entire information collection is **507** hours. The dollar equivalent cost for these estimated burden hours is **\$66,365.00**.

13. Estimate of total annual costs to respondents.

There are no additional costs to respondents relating to this collection of information since respondents already have the use of advanced information technology to transmit information electronically.

14. Estimate of Cost to Federal Government.

This information collection does not increase the cost to the Federal Government.

15. Explanation of program changes and adjustments.

This is a revision to the previously submitted emergency clearance request associated with FRA’s final rule that added new sections under Part 273. The total burden requested for this submission amounts to 507 hours, and the total number of responses requested is 117.

Publication of results of data collection.

FRA will include the results of this data collection in the FRA quarterly reports required by Congress under section 207(c) of PRIIA.

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

FRA is not seeking exemption from displaying the expiration date for OMB approval.

17. Exception to certification statement.

No exceptions are taken at this time regarding this information collection.