

11 FEDERAL RAILROAD ADMINISTRATION
Occupational Noise Exposure for Railroad Operating Employees
(Title 49 Code of Federal Regulations Parts 227 and 229)
SUPPORTING JUSTIFICATION
OMB Control No. 2130-0571

Summary

- This submission is a request for an extension without change (with changes in estimates) of the last three-year approval granted by the Office of Management and Budget (OMB) on March 29, 2018, which now expires on May 31, 2021.
- The Federal Railroad Administration (FRA) published the required 60-day *Federal Register* Notice on December 18, 2020. See 85 FR 82577. FRA received no comments in response to this Notice.
- Overall, the adjustments decreased the burden by 24,331 hours and decreased responses by 4,809 after a thorough review of the data.
- The answer to question number 12 itemizes all information collection requirements.
- The answer to question number 15 itemizes all adjustments.
- There are no program changes at this time.

1. Circumstances that make collection of the information necessary.

According to the National Institute for Occupational Safety and Health (NIOSH), about 30 million workers in the United States are exposed to hazardous noise. Exposure to high levels of noise may cause hearing loss, create physical and psychological stress, reduce productivity, interfere with communication, and contribute to accidents and injuries by making it difficult to hear warning signals. Noise, or unwanted sound, is one of the most common occupational hazards in American workplaces. Noise is also one of the most intrusive aspects of locomotive operations.

There are many noise sources in a locomotive cab. The primary noise sources are engine noise, locomotive horns, and brake noise. The nature and level of noise generated by each source varies greatly. Diesel engine noise is continuous, but it varies according to the engine load and engine speed. The noise from locomotive horns and other audible warning devices is sporadic, but it can be very loud if the window is open and can be very frequent if there are many nearby highway-rail grade crossings.

FRA has broad statutory authority to regulate railroad safety. The Locomotive Inspection Act, enacted in 1911, prohibits the use of unsafe locomotives and authorizes FRA to issue standards for locomotive maintenance and testing. To further FRA's ability to respond effectively to contemporary problems and hazards as they arise in the railroad industry,

Congress enacted the Federal Railroad Safety Act of 1970 (“Safety Act”).¹ The Safety Act grants the Secretary of Transportation rulemaking authority over all areas of railroad safety (49 U.S.C. 20103(a)) and confers all powers necessary to detect and penalize violations of any rail safety law. This authority was subsequently delegated to the FRA Administrator (49 CFR 1.49).

The Occupational Safety and Health Administration (OSHA) regulates conditions and hazards affecting the health and safety of employees in the workplace.² FRA and OSHA have a complementary relationship with respect to occupational safety and health issues in the railroad industry.

FRA has exercised its jurisdiction under the Safety Act with occupational noise in the locomotive cab, and issued its current standard for locomotive cab noise in 1980. While OSHA, in general, regulates occupational noise in the workplace, FRA is the more appropriate entity to regulate noise in the locomotive cab, because the locomotive cab is so much a part of “railroad operations.”

In 2006, FRA issued a final rule amending its occupational noise standards for railroad employees whose predominant noise exposure occurs in the locomotive cab.³ The rule requires railroads to conduct noise monitoring and to implement a hearing conservation program for railroad operating employees whose noise exposure equals or exceeds an 8-hour TWA of 85 decibels. Additionally, FRA established design, build, and maintenance standards for new locomotives and maintenance requirements for existing locomotives.

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

This information collection is used by FRA to monitor regulatory compliance with 49 CFR Part 227. Specifically, FRA uses the collection of information to ensure that railroads establish and implement noise monitoring, hearing conservation, and audiometric testing programs to protect their employees against the harmful effects of excessive noise in the workplace. Additionally, railroads must maintain testing and training records on noise and hearing conservation. Further, railroads must make exposure measurement records for specific locations available to regional or national labor representatives upon request. For instance:

- FRA reviews waiver petitions from railroads to determine whether it is appropriate and in the public interest to grant exceptions to any of the requirements of this rule.

¹ Chapter 201 of Title 49 of the U.S. Code.

² OSHA is an agency within the U.S. Department of Labor. Congress created OSHA with the Occupational Safety and Health Act of 1970 (“OSH Act”). Pursuant to the OSH Act, employers have a duty to protect workers from workplace hazards, including noise.

³ 71 FR 63066. Enacted on February 26, 2007.

- FRA reviews Noise Monitoring Programs to ensure that railroads establish effective noise monitoring of employees – using sound sampling strategy – to determine if there is a need to implement a hearing conservation program (HCP).
- FRA reviews audiometric test records to ensure that railroads’ operating employees are tested and to ensure that railroads keep complete and accurate documents of all employee exposure measurements.
- FRA reviews training program documents and materials to ensure that railroads include all required components in their programs.
- FRA inspectors review HCP records to verify that railroads maintain a record of all positions and/or persons designated by the railroad to be included in its HCP. FRA inspectors also review HCP records to verify that designated employees have received the required training.

3. Extent of automated information collection.

FRA strongly encourages the use of advanced information technology, wherever feasible, to reduce burden on respondents. Part 227 allows each railroad to design its own electronic system as long as the system meets the specified criteria to safeguard the integrity and authenticity of each record. Currently, approximately 90 percent of all responses are now submitted/maintained electronically due to advanced information technology used by the railroad industry.

4. Efforts to identify duplication.

The information collection requirements, to our knowledge, are not duplicated anywhere. Further, FRA is the sole Federal agency requiring noise emission certification for new locomotives. Similar data are not available for any other source.

5. Efforts to minimize the burden on small businesses.

The requirements of Part 227 do not apply to the following: (1) railroads which operate only on track inside an installation that is not part of the general railroad system of transportation; (2) rapid transit operations in an urban area that are not connected to the general system of transportation; (3) rapid (light rail) operations in an urban area that are connected to the general system and operate under a shared use waiver; and (4) railroads that operate tourist, scenic, historic, or excursion operations, whether they are on or off the general system of transportation. With these exemptions, approximately 220 very small railroad operations incur no burden from this rulemaking.

Additionally, the rule does not apply to contractors working for a freight railroad who operate historic equipment in occasional service, as long as those contractors have been provided with hearing protection and are required to use the hearing protection while operating the historic equipment.

Overall, the burden associated with this information collection is fairly minimal on all railroads. Moreover, as previously noted, the Regulatory Flexibility Assessment associated with this final rule concluded that the rule would not have a significant economic impact on a substantial number of small entities.

6. Impact of less frequent collection of information.

If this information is not collected or is collected less frequently, both railroad safety and railroad worker health would be adversely impacted throughout the United States. Specifically, without this collection of information, there might be a greater number of rail accidents/incidents and corresponding increases in railroad worker and passenger injuries and fatalities, resulting from decreased functionality of locomotive cab crew members and railroad workers, caused by excessively loud noise which engendered both noise induced hearing loss and poor communication on the part of key rail personnel. Without this collection of information, FRA would have no way of knowing whether railroads are taking necessary measures, including developing and implementing noise monitoring, hearing conservation and audiometric testing programs, to protect their employees against the harmful effects of excessively loud noise.

Without this collection of information, railroad workers would have no way of knowing the noise levels that they are exposed to on a daily basis, since there would be no lists posted notifying each employee of noise monitoring results. Employees, along with railroads, would be unable to take appropriate countermeasures to mitigate excessively loud noise in their workday environments. Without this collection of information, in particular, the various audiometric tests required, railroads and medical personnel (audiologists, otolaryngologists, physicians) would have no way to assess and compare the hearing acuity levels of locomotive cab crew members and other railroad workers over extended periods of time. They would also be unable to determine whether or not a given individual had experienced a standard threshold shift. Hearing impairment, hearing loss, and medical pathologies of the ear would then go undetected.

Without this collection of information, FRA would have no way to confirm that railroad employees have received hearing conservation training. Without this training, employees would be uninformed on how various noise hazards affect their hearing and would be unable to understand when and where they are exposed to hazardous noise levels. With education and proper training, railroad employees understand the importance of wearing effective hearing protectors and are more likely to use ear plugs and other auditory protection devices on the job, as well as take them home to wear when woodworking, engaging in target practice, and many other noisy off-job activities.

Without this collection of information, particularly the records required under § 227.121, FRA would have no means to ensure railroads are complying with the rule's requirements, and it would have no ability to enforce compliance with this rule. Finally, without this collection of information, particularly new locomotive performance

certifications and locomotive equipment maintenance records, FRA would have no means to determine whether new locomotives are being built to quieter noise standards and would have no way to confirm that locomotives reported to be operating at excessively loud noise levels were repaired, and are being properly maintained.

In sum, this collection of information is an important part of FRA's safety program to minimize rail-related accidents/incidents and accompanying injuries/fatalities and to foster a safe rail transportation environment for both the public-at-large and railroad workers.

7. **Special circumstances.**

Section 227.121(b) of the rule requires railroads to maintain records of employee exposure measurements required by § 227.103 for the duration of the employee's employment plus 30 years. FRA's requirement follows that of OSHA's access to records standards, which requires employers to retain *employee* exposure records for at least 30 years. FRA notes that the RSAC Working Group members indicated that most major railroads are already retaining these documents for that amount of time, so this requirement is consistent with current practice.

Section 227.121(c) of the rule requires railroads to maintain records of employee audiometric test records required under § 227.109 for the duration of the employee's employment plus 30 years. Audiometric recordkeeping enables reviewers to verify that the tests were carried out under the right conditions and that the audiograms reflect employees' true hearing levels. The extended time frame for the maintenance of both the records of employee exposure measurements and audiometric test records enable FRA and the railroads to retro-reflectively examine their HCPs to determine if they are working or need modification.

Section 227.121(f) requires railroads to maintain a record—with specific information—for all employees who have been found to have experienced a standard threshold shift (STS) within the prior calendar year for five (5) years. A standard threshold shift is indicative of a baseline shift signifying a permanent decline in hearing acuity. The STS five-year record requirement allows railroads and railroad employees to ascertain whether hearing loss is continuing over time and provides an important marker with which to compare future employee audiometric tests. These records also serve as another barometer to measure the effectiveness of the railroads' HCPs.

In sum, FRA requires this information because it can help assess the effectiveness of a given railroad's HCP over time. These records all pertain to the health and proper functioning of railroad employees in an admittedly dangerous work environment, and they are designed to ensure that railroads develop, implement, and maintain effective HCPs so that railway workers can perform their jobs in a safe and efficacious manner.

All other 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 December 18, 2020, soliciting comment on these information collection requirements from the public, railroads, and other interested parties.⁴ FRA received no comments in response to this notice.

9. Payments or gifts to respondents.

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

10. Assurance of confidentiality.

There is no information of a private or confidential nature requested to be submitted in this final rule. Thus, FRA offers no assurances of 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 final rule.

12. Estimate of burden hours for information collected.

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

FRA is including the dollar equivalent cost for each of the itemized hours below using STB's Full-Year Wage A&B data series as the basis for each cost calculation. For professional and administrative staff, the hourly wage rate is \$77 per hour ($\$44.27 * 1.75 = \77). For executive, official and staff assistants, the hourly wage is \$120 ($\$68.81 * 1.75$).

⁴ 85 FR 82577.

CFR Section	Respondent universe	Total Annual responses (A)	Average time per responses (B)	Total annual burden hours (C) = A * B	Total cost equivalent (D) = C * wage rate ⁵	Wage rate per hour	Section analyses and estimates
227.93—Penalties	FRA estimates that there will be zero (0) falsified records/reports under the above requirement. Consequently, there is no burden associated with this requirement.						
227.13—Waivers	512 railroads	.3 petition letters	1 hour	.3 hours	\$23	\$77	<p>A person subject to a requirement of this part may petition the Administrator for a waiver of compliance with such requirement. The filing of such a petition does not affect that person's responsibility for compliance with that requirement while the petition is being considered.</p> <p>FRA estimates that it will receive approximately one waiver petition every three years. It is estimated that it will take approximately one hour for each respondent to complete the petition letter and forward it to FRA.</p>
227.103(a)-(f)—Noise monitoring program—Development and implementation	512 railroads	5 programs	30 hours	150 hours	\$18,000	\$120	<p>A railroad must develop and implement a noise monitoring program to determine whether any employee covered by the scope of this subpart may be exposed to noise that may equal or exceed an 8-hour TWA of 85 db(A), in accordance with the following schedule: (1) Class I, passenger, and commuter railroads no later than February 26, 2008; (2) Railroads with 400,000 or more annual employees hours that are not Class I, passenger, or</p>

⁵ Totals may not add due to rounding.

							<p>commuter railroads no later than August 26, 2008; and (3) Railroads with fewer than 400,000 annual employee hours no later than August 26, 2009.</p> <p>FRA estimates approximately five new railroads will come into existence each year and will develop and implement a noise monitoring programs. It is estimated that it will take each railroad approximately 30 hours to develop and implement their noise monitoring program.</p>
—(g) Reporting of monitoring results— Notification of employee of monitoring	512 railroads	5 lists	30 minutes	3 hours	\$231	\$77	<p>The railroad must notify each monitored employee of the results of the monitoring. The railroad must post the monitoring results at the appropriate crew origination point for a minimum of 30 days. The posting should include sufficient information to permit other crews to interpret the meaning of the results in the context of the operations monitored.</p> <p>FRA estimates that the five new railroads will post approximately one list annually. It is estimated that it will take approximately 30 minutes to complete and post the necessary list.</p>
227.105—Protection of Employees	The burden for this requirement is included under that of the Noise Monitoring Program (§ 227.103) above. Consequently, there is no additional burden associated with this requirement.						
227.107(a)—Hearing Conservation Program (HCP)—Development of programs	512 railroads	3 HCPs	31 hours	93 hours	\$11,160	\$120	<p>This provision sets out the requirement that railroads establish an HCP for all employees exposed to noise at or above the action level. Most railroads already have HCPs that were established for OSHA purposes or on a voluntary basis.</p>

							It is estimated that it will take approximately 31 hours to develop an HCP.
—Revised hearing conservation programs (HCPs)	512 railroads	3 HCPs	1.75 hours	5 hours	\$385	\$77	FRA estimates that three railroads will spend approximately an average of 1.75 hours revising or making changes to their HCPs.
227.109(a) and (c)—Audiometric testing program	The burden for performing baseline audiograms has been fulfilled for existing train and engine employees.						
—(e) Baseline audiograms—New and existing employees	76,244 employees	6,862 records of tests	30 seconds	57 hours	\$4,389	\$77	For all employees without a baseline audiogram as of February 26, 2007, Class 1, passenger, and commuter railroads, and railroads with 400,000 or more annual employee hours must establish a valid baseline audiogram by February 26, 2009; and railroads with less than 400,000 annual employee hours must establish a valid baseline audiogram by February 26, 2010. FRA estimates that it will take approximately 30 seconds to record the results of audiogram test for new hire replacement employees.
—(f) Periodic audiograms	76,244 employees	25,415 records of tests	30 seconds	212 hours	\$16,324	\$77	The railroad must offer an audiometric test to each employee included in the hearing conservation program at least once each calendar year. The interval between the date offered to any employee for a test in a calendar year and the date offered in the subsequent calendar year shall be no more than 450 days and no less than 280 days. The railroad shall require each employee included in the hearing conservation

							<p>program to take an audiometric test at least once every 1,095 days.</p> <p>The railroad employees will be obliged to take a periodic audiometric test each year. It is estimated that it will take approximately 30 seconds to record the results of the periodic audiogram test.</p>
—(g)(1)-(2) Evaluation of audiograms	76,244 employees	2,330 ratings + 93 records of retests	6 minutes + 30 seconds	234 hours	\$18,018	\$77	<p>(1) Each employee’s periodic audiogram must be compared to that employee’s baseline audiogram to determine if the audiogram is valid and to determine if a standard threshold shift has occurred. This comparison may be done by a qualified technician. (2) If the periodic audiogram demonstrates a standard threshold shift, a railroad may obtain a retest within 90 days. The railroad may consider the results of the retest as the periodic audiogram.</p> <p>FRA estimates that approximately 2,330 audiogram evaluations will be performed each year. It is estimated that each audiogram evaluation will take approximately six minutes to perform (4 minutes to evaluate and 2 minutes to locate and file). Additionally, it is estimated that approximately 93 employees will be referred each year for re-testing because a standard threshold shift was indicated. It is estimated that it will take approximately 30 seconds to record the results of test.</p>
—(g)(3) Review of problem audiograms	8,000 employees	45 documents	10 minutes	8 hours	\$616	\$77	<p>The audiologist, otolaryngologist, or physician shall review problem audiograms and shall determine whether</p>

							<p>there is a need for further evaluation.</p> <p>FRA estimates that approximately 15 problem audiograms will be found, and that the baseline and most recent audiograms and testing room measurements (a total of 3 documents per problem audiogram) will be provided to the appropriate medical professional under the above requirement (a total then of 45 documents). It is estimated that it will take approximately 10 minutes for each railroad to gather the necessary documents and send them to the medical professional.</p> <p>Note: The burden for records of audiometer calibrations is included under that of § 227.111.</p>
— (h)(1) Follow-up procedures— notifications	8,000 employees	93 notices	5 minutes	8 hours	\$616	\$77	<p>If a comparison of the periodic audiogram to the baseline audiogram indicates that a standard threshold shift has occurred, the railroad must inform the employee in writing within 30 days of the determination.</p> <p>It is estimated that it will take approximately five minutes to complete each notification and send it to the affected employee.</p>
—(h)(2)(i)-(ii) Fitting/training of employees: hearing protectors	240 employees	240 documenting training sessions	5 minutes	20 hours	\$1,540	\$77	<p>Unless a physician or audiologist determines that the standard threshold shift is not work-related or aggravated by occupational noise exposure, the railroad shall ensure that the following steps are taken: (i) Employees not using</p>

							<p>hearing protectors shall be fitted with hearing protectors, shall be trained in their use and care, and shall be required to use them; (ii) Employees already provided with hearing protectors shall be refitted, shall be retrained in the use of hearing protectors offering greater attenuation, if necessary, and shall be required to use them.</p> <p>It is estimated that it will take approximately five minutes to perform the fitting and training of each employee.</p>
— (h)(2)(iii) Referrals for clinical/otological exam	240 employees	20 referrals	1 hour	20 hours	\$1,540	\$77	<p>If subsequent audiometric testing is necessary or if the railroad suspects that a medical pathology of the ear is caused or aggravated by the wearing of hearing protectors, the railroad must refer the employee for a clinical audiological evaluation or an otological examination.</p> <p>It is estimated that it will take approximately an hour to refer the employee and complete the evaluation/examination.</p>
— (h)(2)(iv) Notification to employee of need for otological examination	240 employees	20 notices	5 minutes	2 hours	\$154	\$77	<p>If the railroad suspects that a medical pathology of the ear unrelated to the use of hearing protectors is present, the railroad must inform the employee of the need for an otological examination.</p> <p>It is estimated that it will take approximately five minutes for the railroad to notify its employees.</p>
— (h)(3) New audiometric	240 employees	20 notices	5 minutes	2 hours	\$154	\$77	<p>If subsequent audiometric testing of an employee, whose exposure to noise is</p>

interpretation							less than an 8-hour TWA of 90dB, indicates that a standard threshold shift is not persistent, the railroad must inform the employee of the new audiometric interpretation and may discontinue the required use of hearing protectors for that employee. It is estimated that it will take approximately five minutes for the railroad to notify its employees.
227.111—Audiometric test requirements	1,000 mobile vans	1,000 records of tests	30 seconds	8 hours	\$616	\$77	An exhaustive calibration must be performed in accordance with ANSI S3.6-2004, according to the following schedule: (i) At least once every two years on audiometers not used in mobile test vans. Test frequencies below 500 Hz and above 6000 Hz may be omitted from this calibration; (ii) At least annually on audiometers used in mobile test vans. It is estimated that it will take approximately 30 seconds to record the results of the test.
227.115—Hearing protectors	The burden associated with training is covered under § 227.119. Consequently, there is no additional burden associated with this requirement.						
227.117(a)—Hearing protection attenuation—evaluation	512 railroads	50 evaluations	30 minutes	25 hours	\$1,925	\$77	A railroad shall evaluate hearing protector attenuation for the specific noise environments in which the protector will be used. The railroad shall use one of the evaluation methods described in Appendix B of this part: <i>Methods for Estimating the Adequacy of Hearing Protection Attenuation.</i>

							It is estimated that it will take each railroad approximately 30 minutes to perform its evaluation.
— (d) Reevaluations of adequacy of hearing protection attenuation when employee noise exposure increases	512 railroads	10 documented re-evaluations	30 minutes	5 hours	\$385	\$77	The adequacy of hearing protection attenuation must be re-evaluated whenever employee noise exposures increase to the extent that the hearing protectors provided may no longer provide adequate attenuation. A railroad must provide more effective hearing protectors where necessary. It is estimated that it will take each railroad approximately 30 minutes to perform its re-evaluation.
227.119—Hearing Conservation Training Program—Development	512 railroads	3 training program modifications	1 hour	3 hours	\$231	\$77	The railroad must institute an occupational noise and hearing conservation training program for all employees included in the hearing conservation program. FRA estimates that approximately three railroads with OSHA hearing conservation training programs will modify their training programs. It is estimated that it will take each small railroad approximately an hour to make the necessary modifications.
—Employee HCP training	512 railroads	26,000 records of trainings	2 minutes	867 hours	\$66,759	\$77	FRA estimates that approximately 26,000 employees will be trained annually. It is estimated that each training session will take approximately 2 minutes to keep the necessary record.
—Periodic training	512 railroads	6,862 records of trainings	2 minutes	229 hours	\$17,633	\$77	Based on a train and employee attrition rate, FRA estimates that additional employees will be trained each year who are not receiving hearing

							conservation training currently. It is estimated that each training session will take approximately two minutes to record the results of the training.
227.121(a)(1)(i)-(ii)— Recordkeeping— Availability of records upon request	512 railroads	30 requests + 30 responses	10 minutes + 15 minutes	13 hours	\$1,001	\$77	Each railroad required to maintain and retain records under this part must: (i) Make all records available for inspection and copying/photocopying to representatives of FRA, upon request; (ii) Make an employee's records available for inspection and copying/photocopying to that employee, former employee, or such person's representative upon written authorization by such employee; (iii) Make exposure measurement records for a given run or yard available for inspection and copying/photocopying to all employees who were present in the locomotive cab during the given run and/or who work in the same yard. It is estimated that it will take approximately 10 minutes to make the request/provide written authorization and approximately 15 minutes for the railroad to furnish the record to the FRA, employee or employee's representative.
—(a)(1)(iv) Availability of exposure measurement records to regional or national labor representatives upon request	512 railroads	150 requests + 150 responses	21 minutes + 45 minutes	165 hours	\$12,705	\$77	Each railroad required to maintain and retain records under this part must make exposure measurement records for specific locations available to regional or national labor representatives, upon request. These reports must not contain identifying information of an employee unless an employee authorizes the

							release of such information in writing. It is estimated that it will take approximately 21 minutes to compose the requesting letter and send it to the railroad. Additionally, it is estimated that it will take approximately 45 minutes to complete and mail each response.
—(a)(2)-(3) Electronic records—Maintenance and transfer of records	512 railroads	10 records	24 minutes	4 hours	\$308	\$77	All records required by this part may be kept in electronic form by the railroad. FRA estimates that approximately two railroads will cease to do business each year, and that a total of 10 records required by this section will be transferred to the successor employers. It is estimated that it will take approximately 24 minutes per record for each railroad to transfer the required records to its successor railroad.
—(b) Exposure Measurement Records.	The burden for this requirement is already covered under that of § 227.103.						
—(c) Audiometric test records	512 railroads	26,000 records	2 minutes	867 hours	\$66,759	\$77	It is estimated that it will take approximately two (2) minutes to create and store each record.
—(d) Positions and person designated records	512 railroads	54,000 records	45 seconds	675 hours	\$51,975	\$77	It is estimated that it will approximately 45 seconds to create, and maintain each employee's record.
—(e) Training Program Materials Records	The burden for this requirement is already covered under that of § 227.119 (a) and § 227.119 (b).						
—(f) Standard Threshold Shift Records	The burden for this requirement is already covered under that of § 227.119 (a) and § 227.121 (c).						
229.121(a)—Locomotive Cab Noise—Performance	3 equipment manufacturers	610 records + 90 certifications	5 minutes + 40 minutes	111 hours	\$8,547	\$77	When tested for static noise in accordance with paragraph (a)(3) of this section, all locomotives of each design

standards for locomotives—Records and certification							<p>or model that are manufactured after October 29, 2007, shall average less than or equal to 85 dB(A), with an upper 99% confidence limit of 87 dB(A). The railroad may rely on certification from the equipment manufacturer for a production run that this standard is met.</p> <p>FRA estimates that it will take approximately 40 minutes to conduct the performance standards and certify/create a record for each locomotive (35 minutes to conduct the performance standards + 5 minutes to create the record). Additionally, it will take approximately five minutes to certify the locomotives that will not need to be tested.</p>
—(b)(3) Maintenance of locomotives—Excessive noise reports	494 railroads	3,000 reports + 3,000 records	1 minute + 1 minute	100 hours	\$7,700	\$77	<p>If a railroad receives an excessive noise report, and if the condition giving rise to the noise is not required to be immediately corrected under part 229, the railroad shall maintain a record of the report, and repair or replace the item identified as substantially contributing to the noise: (i) and (ii) of this section.</p> <p>It is estimated that it will take approximately one minute to complete each noise report and one minute to create each record of a noise report.</p>
—(b)(4) Recordkeeping—Written or electronic records	494 railroads	3,750 records	1 minute	63 hours	\$4,851	\$77	<p>A railroad must maintain a written or electronic record of any excessive noise report, inspection, test, maintenance, replacement, or repair completed pursuant to § 229.121(b) and the date on</p>

							<p>which that inspection, test, maintenance, replacement, or repair occurred.</p> <p>It is estimated that it will take approximately one minute to complete and file record.</p>
—(b)(4)(iii) Internal auditable monitoring systems—Records	494 railroads	22 systems + 2 systems	36 min + 8.25 hours	30 hours	\$2,310	\$77	<p>Additionally, FRA estimates that it will take small railroads approximately 36 minutes to develop/establish an internal auditable monitoring system. For the largest railroads, FRA estimates that it will take approximately 8.25 hours to develop an internal system.</p>
Appendix H (Part 229) —Static noise test protocols—Records for retest	500 locomotives	2 retest records	5 minutes	.2 hours	\$15	\$77	<p>To demonstrate compliance, the entity conducting the test must maintain records of the following data. The records created under this procedure must be retained and made readily accessible for review for a minimum of three (3) years. All records may be retained in either written or electronic form.</p> <p>FRA estimates that approximately two locomotive static retests will be conducted annually. It is estimated that it will take approximately 10 minutes to perform each retest, and approximately five minutes complete the re-test record, and then file it.</p> <p>Note: Some of the burden for this requirement is already included that of § 229.121A above.</p>
Total	512 railroads	159,925 responses	N/A	3,980 hours	\$316,871	N/A	

13. Estimate of total annual costs to respondents.

FRA estimates that there are no additional costs to respondents besides the burden hours listed in the answer to question number 12.

14. Estimate of Cost to Federal Government.

The cost to the Federal government mainly results from audits that will be conducted by FRA staff (Staff Director and four (4) industrial hygienists) to enforce the regulation. The Staff Director will spend an average of approximately 32 hours per year working on these audits and each of the four staff members will spend approximately 25 hours per year on audits. Audit activities include the following: (i) Planning and setting up travel, including preparing draft letters; (ii) Time spent reviewing requested data prior to site visit; (iii) Time in travel to and from site, including local travel accommodations; (iv) time at site doing actual audit, employee and management interviews, out brief; and (v) Time spent doing follow-up activities, such as visiting other carrier sites to look for notices/postings and interviewing employees.

To calculate the government administrative cost, the 2021 Office of Personnel Management wage rates were used.

1 Staff Director – GS-15/5 – 32 hours x \$134 p/hr. = \$4,288

4 industrial hygienists staff– GS-12/5 – 100 hours (25 hours per staff) x 83 p/hr. = \$8,300

TOTAL COST = \$12,588

15. Explanation of program changes and adjustments.

This is an extension without change (with changes in estimates) to a current collection of information.

The current OMB inventory for this information collection shows a total burden of 28,311 hours and 164,734 responses while the requesting inventory estimates a total burden of 3,980 hours and 159,925 responses. Overall, the burden for this submission has decreased by 24,331 hours and decreased by 4,809 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 not PRA requirements, thus leading to the increased figures in the current inventory. For instance, non-PRA requirements, such as, trainings and testing were removed. The table below provides specific information on any burden estimates that have changed from the previous submission.

CFR Section	Total Annual Responses			Total Annual Burden Hours			PRA Estimates and Analyses
	Responses & Avg. Time (Previous Submission)	Responses & Avg. Time (This Submission)	Difference	Previous Submission	Current Submission	Difference	
227.13—Waivers	2 petition letters (1 hour)	.3 petition letters (1 hour)	-1.7 petition letters	2 hours	.3 hours	-1.7 hours	The reduction is due to review of estimated number of submissions expected to be received.
227.107(a)—Hearing Conservation Program (HCP)—Development of programs	5 HCPs (31 hours)	3 HCPs (31 hours)	-2 HCPs	155 hours	93 hours	-62 hours	The reduction is due to review of estimated number of submissions expected to be received.
—Revised hearing conservation programs (HCPs)	5 HCPs (2 hours)	3 HCPs (2 hours)	-2 HCPs	9 hours	5 hours	-4 hours	The reduction is due to review of estimated number of submissions expected to be received.
227.109(e)—Audiometric testing program—Baseline audiograms—New and existing employees	7,704 tests (25 minutes)	6,862 records of tests (30 seconds)	-842 records of tests	3,210 hours	57 hours	-3,153 hours	After a thorough review, FRA has determined that the training burden were erroneously included in previous PRA package submissions to OMB. Based on FRA's interpretation of the PRA's implementing regulations, specifically the definition of "information" within 5 C.F.R. § 1320.3(h), FRA considers training/testing to be an excepted category of information

							under the PRA. FRA does recognize, however, the distinction between trainings and training recordkeeping, as the definition of information collection does include recordkeeping.
—(f) Periodic audiograms	28,530 tests (10 minutes)	25,415 records of tests (30 seconds)	-3,115 records of tests	4,755 hours	212 hours	-4,543 hours	FRA considers training/testing to be an excepted category of information under the PRA. FRA does recognize, however, the distinction between trainings and training recordkeeping, as the definition of information collection does include recordkeeping.
—(g)(1)-(2) Evaluation of audiograms	2,330 ratings + 93 retests (6 minutes + 30 minutes)	2,330 ratings + 93 records of retests (6 minutes + 30 seconds)	0	280 hours	234 hours	-46 hours	FRA considers training/testing to be an excepted category of information under the PRA. FRA does recognize, however, the distinction between trainings and training recordkeeping, as the definition of information collection does include recordkeeping.
— (h)(2)(iii) Referrals for clinical/otological exam	20 referrals (2 hours)	20 referrals (1 hour)	0	40 hours	20 hours	-20 hours	The amount of time per referral has decreased because FRA had previously overestimated the burden, and this updated estimate is more accurate in terms of the time necessary for a referral.
227.111— Audiometric test requirements	1,000 tests (45 minutes)	1,000 records of tests (30 seconds)	0	750 hours	8 hours	-742 hours	FRA considers training/testing to be an excepted category of information under the PRA. FRA does recognize, however, the distinction between trainings and training recordkeeping, as the definition of information collection does include recordkeeping.
227.119—Hearing Conservation Training Program— Development	5 programs (60 minutes)	3 training program modifications (60 minutes)	-2 training program modifications	5 hours	3 hours	-2 hours	The reduction is due to review of estimated number of submissions expected to be received.
—Employee HCP training	26,000 trained employees	26,000 records of trainings	0	13,000 hours	867 hours	-12,133 hours	FRA considers training/testing to be an excepted category of information under the

	(30 minutes)	(2 minutes)					PRA. FRA does recognize, however, the distinction between trainings and training recordkeeping, as the definition of information collection does include recordkeeping.
—Periodic Training	7,704 trained employees (30 minutes)	6,862 records of trainings (2 minutes)	0	3,852 hours	229 hours	-3,623 hours	FRA considers training/testing to be an excepted category of information under the PRA. FRA does recognize, however, the distinction between trainings and training recordkeeping, as the definition of information collection does include recordkeeping.
227.121(a)(1)(iv) — Availability of exposure measurement records to regional or national labor representatives upon request	150 requests + 150 responses (21 minutes + 45 minutes)	150 requests + 150 responses (21 minutes + 45 minutes)	0	166 hours	165 hours	-1 hour	The adjustment is due to calculation correction.
Appendix H(IV)— Static noise test protocols—Records for retest	2 retests + 2 records retest and records (10 minutes + 5 minutes)	2 retest records (5 minutes)	-2 retest records	1 hours	.2 hours	-.8 hours	FRA considers training/testing to be an excepted category of information under the PRA. FRA does recognize, however, the distinction between trainings and training recordkeeping, as the definition of information collection does include recordkeeping.

16. Publication of results of data collection.

There are no plans for publication of this submission. Primarily, the information is used by specialists of the Office of Safety, as well as field personnel, to enforce the regulation.

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.