

**1FEDERAL RAILROAD ADMINISTRATION**  
**Conductor Certification**  
**(Title 49 Code of Federal Regulations (CFR) Part 242)**  
**SUPPORTING JUSTIFICATION**  
**OMB No. 2130-0596**

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 May 23, 2018, which now expires on May 31, 2021.
- The Federal Railroad Administration (FRA) published the required 60-day Federal Register Notice on December 30, 2020. See 85 FR 86644. FRA received no comments in response to this Notice.
- Overall, the adjustments decreased the burden by 806,645 hours and decreased responses by 46,413 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.**

The Rail Safety Improvement Act of 1988, Public Law 100-342, § 4, 102 Stat. 624, 625-27 (June 22, 1988) (recodified at 49 U.S.C. 20135) (1988 RSIA), specifically required the Secretary to “prescribe regulations and issue orders to establish a program requiring the licensing or certification . . . of any operator of a locomotive.” The Secretary delegated these authorities to the Federal Railroad Administrator (Administrator). Exercising these delegated authorities, FRA issued a final rule on certification of conductors in 2011.

FRA’s rule for certification of conductors, as required by the Rail Safety Improvement Act of 2008, was issued to ensure that only those persons who meet minimum Federal safety standards serve as conductors, to reduce the rate and number of accidents and incidents, and to improve railroad safety. The rule requires railroads to have a formal program for certifying conductors. As part of that program, railroads are required to have a formal process for training prospective conductors and determining that all persons are competent before permitting them to serve as a conductor. The rule prescribes minimum Federal safety standards for the eligibility, training, testing, certification and monitoring

of all conductors to whom it applies. The rule does not restrict a railroad from adopting and enforcing additional or more stringent requirements consistent with the rule. The conductor certification requirements prescribed in the rule apply to any person who meets the definition of conductor contained in the rule, regardless of the fact that the person may have a job classification title other than that of conductor.

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

The information collected under Part 242 is used by FRA to ensure that only certified persons who are qualified serve as railroad conductors to enhance the safety of daily railroad operations throughout the nation and to reduce the rate, severity, and number of train accidents/incidents that occur each year.

The information collected is also used by FRA to ensure that railroads and their employees fully comply with all the requirements of this regulation. For instance:

- § 242.9 is used by FRA to determine whether it is feasible, safe, and beneficial to the public interest for the agency to grant a waiver pertaining to any of the requirements of this Part.
- § 242.101/103 is used by FRA to ensure that all covered railroads establish conductor certification programs by the specified dates.
- § 242.103 requires railroads to serve a copy of their conductor certification program submissions/resubmissions, or materially modified submissions to the president of each labor organization that represents the employees of railroads.
- § 242.105 requires railroads to designate all persons authorized by the railroad to perform the duties of conductor. FRA inspectors check a conductor's certificate to determine eligibility and to ensure that the person is fully complying with the type of service and any conditions or limitations detailed on his/her conductor's certificate.
- Under § 242.107, FRA safety inspectors review the conductor's certificate to confirm that the person is authorized by the railroad and has completed the appropriate training.
- Under the determinations for eligibility pertaining to certification/recertification in § 242.109, railroads must provide candidates for certification or recertification a reasonable opportunity to comment in writing on the person's prior safety conduct, including information pertinent to determinations required under § 242.115.
- Under § 242.111, each person seeking certification or recertification must make available to the railroad any information concerning his or her driving record. Railroads use the driving record information provided to them to determine whether a conductor or conductor candidate might have an undisclosed drug or alcohol problem.
- Under § 242.113, each person seeking certification or recertification must make a

written request to the chief operating officer or other appropriate person of a former employing railroad to provide a copy of the railroad's available information concerning his/her service record to the railroad considering certification or recertification.

- Under § 242.115, prior to initially certifying or recertifying any person as a conductor for any type of service, railroads must make determinations regarding fitness vis-à-vis substance abuse disorders and alcohol/drug rules compliance.
- Under § 242.117, each railroad, prior to initially certifying or recertifying any person as a conductor for any class of service, must determine that the person meets the standards for visual acuity and hearing acuity prescribed in this section.
- Under § 242.119, railroads must determine that the individual is qualified to perform as a conductor in each type of service that the person will be permitted to carry out.
- Under § 242.121, railroads must provide initial and periodic testing of conductors.
- Under § 242.123, railroads are required to have a program to monitor the conduct of their conductors by performing unannounced compliance tests.
- Under § 242.125, railroads that are considering certification of a person as a conductor may rely on determinations made by another railroad concerning that person's certification.
- Under § 242.203, a railroad that issues, denies, or revokes a certificate after making the determinations required under § 242.109 must maintain a record for each certified conductor or applicant for certification that contains the information the railroad relied on in making the determinations.
- Under § 242.205, each railroad is required to maintain a list of its certified conductors. The list is used by FRA to ensure that conductors are currently certified and qualified to perform the service they have been assigned by the railroad, including service in joint operations territory.
- Under § 242.215, Class I railroads (Amtrak included), Class II railroads, and commuter railroads are required to conduct an annual review and analysis of their program for responding to detected instances of poor safety conduct by certified conductors.
- Under § 242.301, railroads and FRA use the information collected to ensure that individuals meeting the territorial qualification requirements serve as conductors on that territory or segment of territory to enhance the safety of train operations and reduce the likelihood of an accident/incident occurring.
- Under § 242.403, railroads are required to adopt and comply with a program which meets the requirements of this section. FRA then reviews conductor certification programs to ensure compliance with this section.
- § 242.405 describes how a railroad would determine periods of ineligibility (e.g., for revocation or denial of certification) that a conductor or conductor candidate might have to undergo.
- Under § 242.407, railroads are required to provide oral or written notice of the reason for suspension, the pending revocation, and an opportunity for a hearing.

Railroads also must keep a record of the hearing (for three years) after the date a decision is rendered. The record of the hearing and the required written decision by the railroad official is used by the person having his certification/recertification denied or certification revoked to petition FRA to review the railroad's decision.

In sum, the information collected under Part 242 is essential in enhancing and ensuring railroad safety throughout the United States.

**3. Extent of automated information collection.**

FRA strongly encourages the use of advanced information technology, wherever feasible, to reduce burden on respondents. FRA has particularly encouraged the use of electronic records by railroads and other respondents. Part 242 allows each railroad to maintain records electronically as long as their system meets the specified criteria to safeguard the integrity of the electronic data storage system, including the prevention of unauthorized access to the program logic and authenticity of each record. Railroads are also authorized to file by electronic means any program submissions including replacement certificates required under this rule.

**4. Efforts to identify duplication.**

To our knowledge, the information collection requirements are unique and are not duplicated anywhere because they are associated with this specific and new agency rulemaking.

Similar data are unavailable from any other source.

**5. Efforts to minimize the burden on small businesses.**

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) and Executive Order 13272 (67 FR 53461, Aug. 16, 2002) require agency review of proposed and final rules to assess their impacts on small entities.

“Small entity” is defined in 5 U.S.C. 601 as a small business concern that is independently owned and operated and is not dominant in its field of operation. The U.S. Small Business Administration (SBA) has authority to regulate issues related to small businesses and stipulates in its size standards that a “small entity” in the railroad industry is a for profit “line-haul railroad” that has fewer than 1,500 employees, a “short line railroad” with fewer than 500 employees, or a “commuter rail system” with annual receipts of less than seven million dollars.<sup>1</sup>

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<sup>1</sup> Size Eligibility Provisions and Standards, 13 CFR part 121, subpart A.

Federal agencies may adopt their own size standards for small entities in consultation with SBA and in conjunction with public comment. Pursuant to that authority, FRA has published a final statement of agency policy that formally establishes “small entities” or “small businesses” as railroads, contractors, and hazardous materials shippers that meet the revenue requirements of a Class III railroad as set forth in 49 CFR 1201.1–1, which is \$20 million or less in inflation adjusted annual revenues, and commuter railroads or small governmental jurisdictions that serve populations of 50,000 or less.<sup>2</sup>

<sup>1</sup>The \$20 million limit is based on the Surface Transportation Board’s revenue threshold for a Class III railroad carrier. Railroad revenue is adjusted for inflation by applying a revenue deflator formula in accordance with 49 CFR 1201.1–1. The current threshold is \$37.1 million or less.<sup>3</sup> For other entities, the same dollar limit in revenues governs whether a railroad, contractor, rail equipment supplier, or other respondent is a small entity.

There are approximately 677 railroads that will be affected by this regulation. Of this number, approximately 627, or 93 percent, are small entities. Consequently, this regulation affects a substantial number of small entities. Most small railroads that will be impacted by this rulemaking are members of the American Short Line and Regional Railroad Association (ASLRRA). However, ASLRRA has developed a generic conductor certification program for its members to use. FRA anticipates that the majority of small railroads will take the ASLRRA’s generic plan and tailor it for their railroad. Therefore, FRA does not anticipate that this regulation would impose a significant economic impact on a substantial number of small entities.

It should also be noted that this rule does not apply to tourist, scenic, or excursion railroads that are not part of the general railroads system. These types of railroads are invariably small. It also does not apply to rapid transit operations in an urban area that are not connected to the general railroad system of transportation. Further, to ease the burden on small railroads, the schedule for conductor certification program submissions has been graduated and would require Class I railroads, Amtrak, the commuter railroads, and Class II railroads to submit their programs at an earlier date than Class III or small railroads.

## **6. Impact of less frequent collection of information.**

If the information were not collected, or were collected less frequently, rail safety in the United States would be seriously jeopardized. The data collected ensures that railroads and their employees fully comply with all the requirements of Part 242, including a conductor certification/ recertification program, fitness requirements, initial and periodic

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<sup>2</sup> 68 FR 24891 (May 9, 2003) (codified at appendix C to 49 CFR part 209).

<sup>3</sup> The Class III revenue threshold is \$37,108,875 or less, last updated in 2018. (The Class II threshold is between \$37,108,875 and \$463,860,933; and the Class I threshold is \$463,860,933 or more.)

testing of conductors, and territorial qualifications. For instance, without the information collected:

- Under § 242.9 pertaining to waiver requests, FRA would be unable to determine whether it is feasible, safe, and in the public interest to grant a petition for waiver concerning railroad compliance with any of the requirements of this regulation.
- Under § 242.101/103, FRA would be unable to review and approve conductor certification program submissions to ensure that railroads have established written programs that meet part 242's requirements.
- Under § 242.111, individuals might be certified as conductors or passenger conductors because railroads did not have information regarding an individual's prior safety conduct as a motor vehicle operator
- Under § 242.117 pertaining to vision and hearing acuity, individuals might be certified as conductors or passenger conductors who did not have the physical capabilities to perform their assigned duties.
- Under § 242.119 and § 242.121, conductor candidates and conductors would not receive the essential training, and FRA would have no way to be certain that they had received knowledge testing critical to the proper and safe performance of their duties.
- Under § 242.123, FRA would have no way to ascertain whether railroads were monitoring the operational performance of conductors.
- Under § 242.201-242.213, FRA and participating State inspectors would be unable to identify certified conductors or passenger conductors.
- Under § 242.215, FRA could not be assured that railroads are properly carrying out their oversight responsibilities to conduct an annual review and analysis of their programs for responding to detected instances of poor safety conduct by their certified conductors.
- Under § 242.301, FRA's overall safety program would be hindered because there would not be a mechanism in place to ensure that railroads only permit or require a person to serve as conductor who actually possesses the necessary territorial qualifications.
- Under § 242.401-242.407, FRA could not be assured that there would be a formalized process in place regarding the denial, suspension, and revocation of a conductor's certification.

Overall, this collection of information promotes and enhances national rail safety, and thus serves as a vital component of FRA's multi-faceted rail safety program.

## 7. **Special circumstances.**

FRA requires each railroad that issues conductor certificates to maintain a record for each applicant or certified conductor that contains the pertinent information the railroad relied on in making its determinations. All records must be retained for a period of six years

from the date of the certification/re-certification/denial or revocation decision.

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

**8. Compliance with 5 CFR 1320.8.**

As required by the Paperwork Reduction Act of 1995 (PRA), FRA published a notice in the Federal Register on December 30, 2020, soliciting comment on this particular information collection. See 85 FR 86644. FRA received no comments pertaining to this collection of information 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.**

Regarding the protection of confidentiality, § 242.115(g) of the regulation states the following:

Noting in this Part shall affect the responsibility of the railroad under § 219.403 of this chapter ('Voluntary Referral Policy') to treat voluntary referrals for substance abuse counseling and treatment as confidential; and the certification status of a conductor who is successfully assisted under the procedures of that section shall not be adversely affected. However, the railroad shall include in its voluntary referral policy required to be issued pursuant to § 219.403 of this chapter a provision that, at least with respect to a certified conductor or a candidate for certification, the policy of confidentiality is waived (to the extent that the railroad shall receive from the SAP official notice of the substance abuse disorder and shall suspend or revoke the certification, as appropriate) if the person at any time refuses to cooperate in a recommended course of counseling or treatment.

No other assurances of confidentiality were made except for those implicit in the Privacy Act.

**11. Justification for any questions of a sensitive nature.**

There are no questions or information of a sensitive nature, nor data that would normally be considered private matters contained in this 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 Systems and Technology.

FRA is including the dollar equivalent cost for each of the itemized hours below using the Surface Transportation Board’s Full-Year Wage A&B data series as the basis for each cost calculation. For executive, official and staff assistants, the hourly wage is \$120 (\$68.81 \*1.75). For professional and administrative staff, the hourly wage rate is \$77 per hour (\$44.27 \* 1.75). For maintenance of way and structures staff, the hourly wage rate is \$59 per hour (\$33.57 \* 1.75). For transportation (other than train and engine) staff, the hourly wage rate is \$70 per hour (\$40.27 \* 1.75).

CFR Section <sup>4</sup>	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 <sup>5</sup>	Wage rate per hour	Section analyses and estimates
242.9—Waivers—Petitions	765 railroads	3 petitions	3 hours	9 hours	\$693	\$77	A person subject to a requirement of this Part may petition the FRA Administrator for a waiver of compliance with such requirement. The filing of such petition does not affect that person’s responsibility for compliance with that requirement while the petition is being considered. Each petition for a waiver under this section must be filed in the manner and contain the information required by Part 211 of this chapter.

<sup>4</sup> Note: The requirement concerning conductor certification programs has already been completed by railroads.

<sup>5</sup> Totals may not add due to rounding.



							FRA estimates that it will take approximately three hours to complete each waiver request.
242.103(b)—Approval of design of individual railroad programs by FRA —Certification programs for new railroads	3 new railroads	3 new conductor certification programs	8 hours	24 hours	\$2,880	\$120	A railroad commencing operations after the pertinent date specified in paragraph (a) of this section shall submit its written certification program and request for approval in accordance with the procedures contained in Appendix B to this Part at least 60 days prior to commencing operations.  FRA estimates that it will take approximately eight hours to develop each conductor certification program and file it with FRA.
—(c)(1) Conductor certification submission— Copies to rail labor organizations (RLOs)	765 railroads	6 certification program submission copies	15 minutes	2 hours	\$154	\$77	Simultaneous with its filing with FRA, each railroad would serve a copy of the submission filed pursuant to paragraph (a) or (b) of this section, a resubmission filed pursuant to paragraph (h) of this section, or a material modification filed pursuant to paragraph (i) of this section on the president of each labor organization that represents the railroad's employees subject to this Part.  FRA estimates that it will take approximately 15 minutes to make each copy and serve it on the president of each labor organization.
—(c)(2) Affirmative statements that copies of submissions were sent to RLOs	765 railroads	6 affirmative statements	15 minutes	2 hours	\$154	\$77	Include in their submission filed pursuant to paragraph (a) or (b) of this section, a resubmission filed pursuant to paragraph (h) of this section, or a

							<p>material modification filed pursuant to paragraph (i) of this section a statement affirming that the railroad has served a copy on 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.</p> <p>FRA estimates that it will take approximately 15 minutes to complete each affirmative statement.</p>
—(d) Certified comments on submissions	765 railroads	6 certified comments	4 hours	24 hours	\$1,848	\$77	<p>The commenter shall certify that a copy of the comment was served on the railroad.</p> <p>FRA estimates that it will take approximately four hours to complete each comment.</p>
—(g) Certification programs disapproved by FRA and then revised	765 railroads	15 modified programs	3 hours	45 hours	\$3,465	\$77	<p>If the Administrator informs the railroad of deficiencies more than 30 days after the initial filing date, the original program may remain in effect until 30 days after approval of the revised program is received so long as the railroad has complied with requirements of paragraph (h) of this section.</p> <p>FRA estimates that it will take approximately three hours to revise each conductor program and resubmit it to FRA.</p>
—(h) Revised certification programs still not conforming and then	765 railroads	3 resubmitted certification programs	2 hours	6 hours	\$462	\$77	<p>A railroad shall resubmit its program within 30 days after the date of such notice of deficiencies. A failure to</p>

resubmitted							resubmit the program with the necessary revisions will be considered a failure to implement a program under this Part.  FRA estimates that it will take each railroad approximately two hours to further revise each conductor program and resubmit it to FRA.
—(i)(2) Certification programs materially modified after initial FRA approval	765 railroads	15 certificate program material modifications	2 hours	30 hours	\$2,310	\$77	A railroad that intends to materially modify its program after receiving initial FRA approval shall submit a description of how it intends to modify the program in conformity with the specific requirements of this Part at least 60 days prior to implementing such a change.  FRA estimates that it will take approximately two hours for each railroad to materially modify its conductor certification program and resubmit it to FRA.
—(i)(3) Materially modified programs disapproved by FRA and then revised	765 railroads	3 modified certification programs	2 hours	6 hours	\$462	\$77	The modification submission will be handled in accordance with the procedures of paragraphs (g) and (h) of this section as though it were a new program.  FRA estimates that it will take approximately two hours to further revise each modified conductor program and resubmit it to FRA.
242.105—Schedule for implementation	The burden for this requirement has already been completed by railroads. Consequently, there is no additional burden associated with it.						
242.107—Types of service—Reclassification	35 railroads	400 records of trainings	2 minutes	13 hours	\$767	\$59	A railroad shall not reclassify the certification of any type of certified

to passenger conductor or RR imposes restrictions							<p>conductor to a different type of conductor certification during the period in which the certification is otherwise valid except when a conductor completes the emergency training identified in Part 239 of this chapter and is certified as a passenger conductor.</p> <p>FRA estimates that it will take approximately two minutes to record each training.</p>
242.109(a)-(c)— Determinations required for certification and recertification	The burden for this requirement is included under those of §§ 242.111, 242.113, 242.115, 242.117, 242.119, 242.121, and 242.403, respectively. Consequently, there is no additional burden associated with this requirement.						
—(d)-(e) Opportunity for certification candidates to review and comment on prior safety record, and RRs to retain/respond to comments	765 railroads	200 records + 200 comments	30 minutes + 10 minutes	133 hours	\$9,647	\$59 and \$77	<p>A railroad's program shall provide a candidate for certification or recertification a reasonable opportunity to review and comment in writing on any record which contains information concerning the person's prior safety conduct, including information pertinent to determinations required under § 242.115, if the railroad believes the record contains information that could be sufficient to render the person ineligible for certification under this Subpart.</p> <p>FRA estimates that it will take each railroad approximately 30 minutes to collect and send the information and approximately 10 minutes for each candidate to complete the review of the record and comment on it in</p>

							writing.
—(g) Condition of employment	As a condition of employment, conductors will sign an agreement upon being hired. Since this is the usual and customary procedure, there is no burden associated with the above provision.						
242.111(b)— Prior safety conduct as motor vehicle operator—eligibility determinations	765 railroads	16,200 eligibility determinations	10 minutes	2,700 hours	\$207,900	\$77	<p>Except as provided in paragraphs (c), (d), (e) and (f) of this section, after the pertinent date specified in § 242.105(d) or (e), each railroad, prior to initially certifying or recertifying any person as a conductor for any type of service, shall determine that the person meets the eligibility requirements of this section involving prior conduct as a motor vehicle operator.</p> <p>FRA estimates that it will take approximately 10 minutes to look at the employee file/database and make the necessary determination.</p>
—(c) Initial certification for 60 days	765 railroads	150 initial certifications	10 minutes	25 hours	\$1,925	\$77	<p>A railroad shall initially certify a person as a conductor for 60 days if the person:</p> <p>(1) Requested the information required by paragraph (h) of this section at least 60 days prior to the date of the decision to certify that person; and (2) Otherwise meets the eligibility requirements provided in § 242.109.</p> <p>FRA estimates that it will take approximately 10 minutes to complete each certification.</p>
—(d) Recertification for 60 days	765 railroads	125 re-certifications	10 minutes	21 hours	\$1,617	\$77	<p>A railroad shall recertify a person as a conductor for 60 days from the expiration date of that person's</p>

							<p>certification if the person: (1) Requested the information required by paragraph (h) of this section at least 60 days prior to the date of the decision to recertify that person; and (2) Otherwise meets the eligibility requirements provided in § 242.109.</p> <p>FRA estimates that it will take approximately 10 minutes to complete each recertification.</p>
—(f) Driver info not provided and request for waiver by persons/ railroad	FRA estimates zero (0) waiver requests will be received.						
—(h) Request to obtain driver’s license information from licensing agency	48,500 conductors	16,200 written requests	15 minutes	4,050 hours	\$238,950	\$59	<p>Each person seeking certification or recertification under this Part shall request, in writing, that the chief of each driver licensing agency identified in paragraph (i) of this section provide a copy of that agency's available information concerning his or her driving record to the railroad that is considering such certification or recertification.</p> <p>FRA estimates that it will take approximately 15 minutes to complete each written request.</p> <p>Note: Burdens associated with paragraphs (h), (i), and (j) are included here. Additionally, a consent form is signed at the time of hiring to make driving information available to the railroad, no additional action/signed consent will be needed.</p>

—(k) Notification to RR by persons of never having a license	48,500 conductors	25 notices	10 minutes	4 hours	\$236	\$59	Any person who has never obtained a motor vehicle driving license is not required to comply with the provisions of paragraph (h) of this section but shall notify the railroad of that fact in accordance with procedures of the railroad that comply with § 242.109(f).  FRA estimates that it will take approximately 10 minutes to complete each notification.
—(l) Report of motor vehicle incidents	48,500 conductors	400 self-reporting	10 minutes	67 hours	\$3,953	\$59	Each certified conductor or person seeking initial certification shall report motor vehicle incidents described in paragraphs (n)(1) and (2) of this section to the employing railroad within 48 hours of being convicted for, or completed state action to cancel, revoke, suspend, or deny a motor vehicle driver's license for, such violations.  FRA estimates that it will take approximately 10 minutes to complete each report.
—(m)-(n) Evaluation of driving record	48,500 conductors	16,200 motor vehicle record evaluations	5 minutes	1,350 hours	\$79,650	\$59	When evaluating a person's motor vehicle driving record, a railroad shall not consider information concerning motor vehicle driving incidents that occurred: (1) through (3) of this paragraph. A railroad shall only consider information concerning the following types of motor vehicle incidents: (1) through (3) of this paragraph.

							FRA estimates that it will take approximately five minutes to conduct each motor vehicle record evaluation.
—(o)(1) Drug and alcohol counselor (DAC) referral by RR after report of driving drug/alcohol incident	765 railroads	400 DAC referrals	5 minutes	33 hours	\$3,960	\$120	<p>If such an incident is identified: (1) The railroad shall provide the data to the railroad's DAC, together with any information concerning the person's railroad service record, and shall refer the person for evaluation to determine if the person has an active substance abuse disorder;</p> <p>FRA estimates that it will take approximately five minutes to provide the necessary data/service record and complete each referral for evaluation.</p>
—(o)(2) DAC request and supply by persons of prior counseling or treatment	765 railroads	20 requests and supplied records	30 minutes	10 hours	\$1,200	\$120	<p>If such an incident is identified: (2) The person shall cooperate in the evaluation and shall provide any requested records of prior counseling or treatment for review exclusively by the DAC in the context of such evaluation; and</p> <p>FRA estimates that it will take approximately 30 minutes for the DAC professional to make the records request and for the certification candidate to supply the necessary records.</p>
—(o)(3) and (5) Conditional certifications recommended by DAC	765 railroads	50 conditional certification recommendations	4 hours	200 hours	\$24,000	\$120	<p>If such an incident is identified: (3) If the person is evaluated as not currently affected by an active substance abuse disorder, the subject data shall not be considered further with respect to certification. However, the railroad shall, on</p>



							<p>recommendation of the DAC, condition certification upon participation in any needed aftercare and/or follow-up testing for alcohol or drugs deemed necessary by the DAC consistent with the technical standards specified in § 242.115(f)(3).</p> <p>FRA estimates that it will take approximately four hours to conduct the necessary evaluation and make the conditional certification recommendation.</p> <p>Note: The burden of evaluations under § 242.115(f) is covered here.</p>
242.113—Prior safety conduct as employee of a different railroad	48,500 conductors	360 requests + 360 records	15 minutes + 30 minutes	270 hours	\$20,790	\$77	<p>Take any additional actions, including providing any necessary consent required by State or Federal law to make information concerning his or her service record available to that railroad.</p> <p>FRA estimates that it will take each of these employees approximately 15 minutes to prepare his/her written request to the former employing railroad for the necessary information and approximately 30 minutes for the former employing railroad to review its files and provide the former employee's record to the railroad that is considering certification or recertification.</p>
242.115(b)—Determination that person meets eligibility	48,500 conductors	16,200 determinations	2 minutes	540 hours	\$31,860	\$59	<p>After the pertinent date specified in § 242.105(d) or (e), each railroad, prior to initially certifying or recertifying</p>

requirements							<p>any person as a conductor for any type of service, shall determine that the person meets the eligibility requirements of this section.</p> <p>FRA estimates that it will take approximately two minutes to conduct the necessary evaluation and make the conditional certification recommendation.</p>
—(c) Written documents from DAC that person is not affected by a substance abuse disorder	48,500 conductors	400 filed documents	30 minutes	200 hours	\$24,000	\$120	<p>In order to make the determination required under paragraph (d) of this section, a railroad shall have on file documents pertinent to that determination, including a written document from its DAC which states his or her professional opinion that the person has been evaluated as not currently affected by a substance abuse disorder or that the person has been evaluated as affected by an active substance abuse disorder.</p> <p>FRA estimates that it will take approximately 30 minutes to file the required document.</p>
—(d) Self-referral by conductors for substance abuse counseling	765 railroads	30 self-referrals	10 minutes	5 hours	\$600	\$120	<p>A person who has an active substance abuse disorder shall be denied certification or recertification as a conductor.</p> <p>FRA estimates that it will take approximately 10 minutes for each employee to self-refer.</p>
—(e) Certification reviews for occurrence/documentation of prior	765 railroads	16,200 certification reviews	10 minutes	2,700 hours	\$324,000	\$120	<p>In determining whether a person may be or remain certified as a conductor, a railroad shall consider conduct</p>

alcohol/drug conduct by persons/conductors							described in paragraph (e)(2) of this section that occurred within a period of 60 consecutive months prior to the review. A review of certification shall be initiated promptly upon the occurrence and documentation of any incident of conduct described in this paragraph.  Based on the three-year certification/recertification cycle, FRA estimates that approximately 16,200 certification reviews will be conducted by railroads. It is estimated that it will take approximately 10 minutes to conduct each certification review.
—(e)(3)(i) Written determination that most recent incident has occurred	765 railroads	150 written determinations	1 hour	150 hours	\$18,000	\$120	A period of ineligibility described in this paragraph shall begin:  (i) For a person not currently certified, on the date of the railroad's written determination that the most recent incident has occurred.  FRA estimates that it will take about one hour to complete each written determination.
—(e)(3)(ii) Notification to person that recertification has been denied	765 railroads	300 notifications	30 minutes	150 hours	\$11,550	\$77	A notification must be made to a person currently certified that recertification has been denied or certification has been revoked.  FRA estimates that it will take approximately 30 minutes to complete each notification.
—(e)(4)	48,500	300 waived	10	50 hours	\$2,950	\$59	The period of ineligibility described in

Persons/conductors waiving investigation/de-certifications	conductors	investigations	minutes				<p>this paragraph shall be determined in accordance with the following standards: (i) In the case of a single violation of § 219.102 of this chapter, the person shall be ineligible to hold a certificate during evaluation and any required primary treatment as described in paragraph (f) of this section. In the case of two violations of § 219.102 of this chapter, the person shall be ineligible to hold a certificate for a period of two years. In the case of more than two such violations, the person shall be ineligible to hold a certificate for a period of five years.</p> <p>FRA estimates that it will take approximately 10 minutes to for each conductor to waive investigation.</p> <p>Note: The burden for identification of violations of § 219.101 of this chapter through a qualifying "co-worker report" is included under OMB No. 2130-0526.</p>
—(g) Confidentiality protected	The burden for self-referrals is included under that of § 242.115(d). Railroads already have the required provision in their policies of confidentiality related to Part 219 and the burden is already covered under OMB No. 2130-0526. Consequently, there is no additional burden associated with the above requirement.						
242.117(b)—Vision and hearing acuity—determination vision standards met	765 railroads	16,200 records	2 minutes	540 hours	\$64,800	\$120	After the pertinent date specified in § 242.105(d) or (e), each railroad, prior to initially certifying or recertifying any person as a conductor for any class of service, shall determine that the person meets the standards for visual acuity and hearing acuity prescribed in this section.

							FRA estimates that it will take two minutes to record each vision test and make the necessary determination.
—(b) Determination hearing standards met	765 railroads	16,200 records	2 minutes	540 hours	\$64,800	\$120	FRA estimates that it will take two minutes to record each hearing test and make the necessary determination.
—(c)(1) Medical examiner certificate that person has been examined/passed test	765 railroads	16,200 medical examiner certificates	10 minutes	2,700 hours	\$324,000	\$120	A medical examiner's certificate that the individual has been medically examined and meets these acuity standards.  FRA estimates that it will take about 10 minutes to complete each medical examiner certificate and file it.
—(c)(2)(i) Document standards met with conditions	765 railroads	100 written documents	30 minutes	50 hours	\$6,000	\$120	A written document from its medical examiner documenting his or her professional opinion that the person does not meet one or both acuity standards and stating the basis for his or her determination that: (i) The person can nevertheless be certified under certain conditions; or  FRA estimates that it will take 30 minutes to complete each document.
—(c)(2)(ii) Document standards not met	765 railroads	100 written documents	30 minutes	50 hours	\$6,000	\$120	The person's acuity is such that he or she cannot safely perform as a conductor even with conditions attached.  FRA estimates that it will take 30 minutes to complete each document.
—(e) and (f) Notation person needs corrective device (glasses/hearing aid)	765 railroads	5,000 certificate notifications	10 minutes	833 hours	\$99,960	\$120	If the examination required under this section discloses that the person needs corrective lenses or a hearing aid, or both, either to meet the threshold

							<p>acuity levels established in this section or to meet a lower threshold determined by the railroad's medical examiner to be sufficient to perform as a conductor, that fact shall be noted on the certificate issued in accordance with the provisions of this Part.</p> <p>FRA estimates that it will take 10 minutes to complete each notation.</p> <p>Note: Conductors are required to wear their glasses/hearing aids as a condition of employment, there would be no cases where a written determination would be made that the person can safely perform his/her duties without using the device.</p>
—(j) Request for further medical evaluation for new determination	765 railroads	100 requests + 100 records of field tests	30 minutes + 10 minutes	67 hours	\$4,950	\$59 and \$120	<p>The railroad shall provide its medical examiner with a copy of this Part, including all appendices. If, after consultation with a railroad officer, the medical examiner concludes that, despite not meeting the threshold(s) in paragraphs (h) and (i) of this section, the person has the ability to safely perform as a conductor, the person may be certified as a conductor and such certification conditioned on any special restrictions the medical examiner determines in writing to be necessary.</p> <p>FRA estimates that it will take about 30 minutes to make each request and about 10 minutes to record each field test.</p>

—(j) Request for second retest and another medical evaluation	765 railroads	25 retest requests + 25 reviews	30 minutes + 10 minutes	17 hours	\$1,238	\$59 and \$120	FRA estimates that it will take about 30 minutes to complete each retest request and about 10 minutes for the railroad medical examiner to review the evidence and make a determination.
—(j) Consultations by medical examiners with railroad officer and issue of conditional certification	765 railroads	100 consults + 100 certifications	30 minutes + 10 minutes	67 hours	\$7,283	\$120 and \$77	FRA estimates that it will take about 30 minutes to complete each consultation and about 10 minutes to complete each conditional certification.
—(k) Notification by certified conductor of deterioration of vision/hearing	765 railroads	20 notifications	10 minutes	3 hours	\$177	\$59	As a condition of maintaining certification, each certified conductor shall notify his or her employing railroad's medical department or, if no such department exists, an appropriate railroad official if the person's best correctable vision or hearing has deteriorated to the extent that the person no longer meets one or more of the prescribed vision or hearing standards or requirements of this section. This notification is required prior to any subsequent performance as a conductor.  FRA estimates that it will take about 10 minutes to make each notification.
242.119(a)—Training—new railroads—training program	3 new railroads	3 training programs	3 hours	9 hours	\$1,080	\$120	Each railroad shall adopt and comply with a program that meets the requirements of this section. When any person including, but not limited to, each railroad, railroad officer, supervisor, and employee violates any provision of a program which complies with the requirements of this section, that person shall be

							considered to have violated the requirements of this section.  FRA estimates that it will take approximately three hours for these railroads to modify the ASLRRRA generic program.
—(a) Modification to training program	765 railroads	3 programs	30 minutes	2 hours	\$154	\$77	Additionally, FRA estimates that it will take approximately 30 minutes for these small railroads to complete this change to the ASLRRRA program.
—(c) Completion of training program by conductors/persons—documents	765 railroads	100 written documents	1 hour	100 hours	\$7,700	\$77	Moreover, further reducing any information collection burden, training and examinations fall under one of the exceptions under 5 CFR 1320.3 that are not constituted as information by OMB and incurring no burden as a result. Therefore, FRA estimates that it will take one hour to complete each written document regarding each candidate’s completion of training.
—(d)(5) Modified training programs due to new laws, regulations, orders, technologies, procedures, or equipment	765 railroads	24 modified training programs	2 hours	48 hours	\$3,696	\$77	When new safety-related railroad laws, regulations, orders, technologies, procedures, or equipment are introduced into the workplace, the railroad must review its training program and modify its training plan accordingly.  FRA estimates that it will take two hours to review and modify each training program.  Note: The burden requirements for § 242.119(d)(1), (d)(4), and (e)(3) are covered under that of § 242.101 and §



							242.119(c).
—(f) Employee consultation with qualified supervisory employee if given written test to demonstrate knowledge of physical characteristics of any assigned territory	765 railroads	1,000 consultations	15 minutes	250 hours	\$14,750	\$59	<p>If a railroad uses a written test for purposes of paragraph (e)(3) of this section, the railroad must provide the person(s) being tested with an opportunity to consult with a supervisory employee, who possesses territorial qualifications for the territory, to explain a question.</p> <p>FRA estimates that it will take 15 minutes to complete each consultation.</p>
—(i) Familiarization training for conductor of acquiring railroad from selling company/railroad prior to commencement of new operation	765 railroads	20 training records	15 minutes	5 hours	\$295	\$59	<p>If ownership of a railroad is being transferred from one company to another, the conductor(s) of the acquiring company may receive familiarization training from the selling company prior to the acquiring railroad commencing operation.</p> <p>FRA estimates that it will take 15 minutes to record each familiarization training.</p>
—(l) RR continuous education/training of conductors	765 railroads	16,200 training records	15 minutes	4,050 hours	\$238,950	\$59	<p>A railroad shall provide for the continuing education of certified conductors to ensure that each conductor maintains the necessary knowledge concerning railroad safety and operating rules and compliance with all applicable Federal regulations, including, but not limited to, hazardous materials, passenger train emergency preparedness, brake system safety standards, pre-departure inspection procedures, and passenger equipment safety standards, and</p>

							physical characteristics of a territory.  FRA estimates that it will take about 15 minutes to record each continuing education session.
242.121(a)—Knowledge testing—determining eligibility	765 railroads	16,200 examination records	15 minutes	4,050 hours	\$238,950	\$59	Each railroad shall adopt and comply with a program that meets the requirements of this section. When any person including, but not limited to, each railroad, railroad officer, supervisor, and employee violates any provision of a program which complies with the requirements of this section, that person shall be considered to have violated the requirements of this section.  FRA estimates that it will take approximately 15 minutes to complete each determination.  Note: The burden requirements under § 219.121(d), (e), and (f) are included here.
—(g) Retests/re-examinations	765 railroads	1,000 retests or reexamination records	15 minutes	250 hours	\$14,750	\$59	If a person fails to pass the test, no railroad shall permit or require that person to function as a conductor prior to that person's achieving a passing score during a reexamination of his or her knowledge.  FRA estimates that it will take about 15 minutes to record each knowledge retest/re-examination.
242.123(c)—Monitoring operational performance—unannounced	765 railroads	16,200 unannounced compliance test	10 minutes	2,700 hours	\$207,900	\$77	Except as provided in paragraph (f) of this section, each conductor shall be given at least one unannounced

compliance tests and records		records					compliance test in each calendar year by a railroad officer who meets the requirements of § 217.9(b)(1) of this chapter.  FRA estimates that it will take approximately 10 minutes to complete each written record.
—(f) Return to service that requires unannounced compliance test/record	765 railroads	1,000 unannounced compliance test records	10 minutes	167 hours	\$12,859	\$77	A certified conductor who is not performing a service that requires certification pursuant to this Part need not be given an unannounced compliance test. However, when the certified conductor returns to a service that requires certification pursuant to this Part, that certified conductor must be tested pursuant to this section within 30 days of his or her return.  FRA estimates that it will take approximately 10 minutes to complete each record.
242.125—Determination made by railroad relying on another railroad's certification	765 railroads	100 determinations	30 minutes	50 hours	\$2,950	\$59	A railroad that is considering certification of a person as a conductor may rely on determinations made by another railroad concerning that person's certification. The railroad's certification program shall address how the railroad will administer the training of previously uncertified conductors with extensive operating experience or previously certified conductors who have had their certification expire. If a railroad's certification program fails to specify how it will train a previously certified conductor hired from another

							<p>railroad, then the railroad shall require the newly hired conductor to take the hiring railroad's entire training program.</p> <p>FRA estimates that it will take approximately 30 minutes to make each determination.</p> <p>Note: All the certification programs will specify how previously certified conductors hired from another railroad will be trained.</p>
242.127—Reliance on qualification requirements of other countries	765 railroads	20 determinations	30 minutes	10 hours	\$590	\$59	<p>A Canadian railroad that is required to comply with this regulation or a railroad that conducts joint operations with a Canadian railroad may certify that a person is eligible to be a conductor provided it determines that: (1) The person is employed by the Canadian railroad; and (2) The person meets or exceeds the qualifications standards issued by Transport Canada for such service.</p> <p>FRA estimates that it will take approximately 30 minutes to make each determination.</p>
242.201—Time limitations for certification	The burden for the above requirement is included under that of §§ 242.125 and § 242.127.						
242.203(b)-(c)—Retaining information supporting determination—records	765 railroads	16,200 record retentions	15 minutes	4,050 hours	\$311,850	\$77	<p>After the pertinent date in § 242.105(d) or (e), a railroad that issues, denies, or revokes a certificate after making the determinations required under § 242.109 shall maintain a record for each certified</p>

							<p>conductor or applicant for certification that contains the information the railroad relied on in making the determinations.</p> <p>FRA estimates that it will take approximately 15 minutes to complete each record.</p>
—(c) Amended electronic records	765 railroads	20 amended records	30 minutes	10 hours	\$770	\$77	<p>Information retrieved from the system can be easily produced in a printed format which can be readily provided to FRA representatives in a timely manner and authenticated by a designated representative of the railroad as a true and accurate copy of the railroad's records if requested to do so by FRA representatives.</p> <p>FRA estimates that it will take approximately 30 minutes to amend each record.</p>
242.205—Identification of certified persons and recordkeeping	The burden for this requirement has already been fulfilled and covered under § 242.205. Consequently, there is no additional burden associated with it.						
242.205—Certificate components	The burden for this requirement has already been fulfilled. Consequently, there is no additional burden associated with it.						
242.209(a)—Maintenance of certificates—request to display certificate	765 railroads	2,000 displayed certificates	2 minutes	67 hours	\$3,953	\$59	<p>Each conductor who has received a certificate required under this Part shall: (1) through (2).</p> <p>FRA estimates that it will take two minutes to display each certificate.</p>
—(b) Notification by conductors that RR request to serve exceeds certification	765 railroads	1,000 notifications	10 minutes	167 hours	\$9,853	\$59	<p>Any conductor who is notified or called to serve as a conductor and such service would cause the conductor to exceed certificate limitations set forth, in accordance</p>

							with Subpart B of this Part, shall immediately notify the railroad that he or she is not authorized to perform that anticipated service and it shall be unlawful for the railroad to require such service. Nothing in this section shall be deemed to alter a certified conductor's duty to comply with other provisions of this chapter concerning railroad safety.  FRA estimates that it will take 10 minutes to complete each notification.
242.211—Replacement of certificates	765 railroads	500 temporary replacement certificates	5 minutes	42 hours	\$3,234	\$77	At a minimum, a temporary replacement certificate must identify the person to whom it is being issued (including the person's name, identification number and year of birth); indicate the date of issuance; and be authorized by a designated supervisor. Temporary replacement certificates may be delivered electronically and are valid for a period no greater than 30 days.  FRA estimates that it will take approximately five minutes to issue each temporary replacement certificate.
242.213(a)-(d)—Multiple certificates—notification to engineer that no conductor is on train	The burden for conductor certificates has been fulfilled. Additionally, the burden for locomotive certificates is included under OMB No. 2130-0533. Consequently, there is no additional burden associated with this requirement.						
— (e) Multiple certificates—notification to engineer that no conductor is on train	35 railroads	5 locomotive engineer notifications	10 minutes	1 hour	\$70	\$70	If the conductor is removed from a train for a medical, police or other such emergency after the train departs from an initial terminal, the train may

							<p>proceed to the first location where the conductor can be replaced without incurring undue delay without the locomotive engineer being a certified conductor. However, an assistant conductor or brakeman must be on the train and the locomotive engineer must be informed that there is no certified conductor on the train prior to any movement.</p> <p>FRA estimates that it will take 10 minutes to notify the locomotive engineer.</p>
—(f) Notification of denial of certification by individuals holding multiple certifications	765 railroads	10 notifications	10 minutes	2 hours	\$118	\$59	<p>During the duration of any certification interval, a person who holds a current conductor and/or locomotive engineer certificate from more than one railroad shall immediately notify the other certifying railroad(s) if he or she is denied conductor or locomotive engineer recertification under § 242.401 or § 240.219 of this chapter or has his or her conductor or locomotive engineer certification revoked under § 242.407 or § 240.307 of this chapter by another railroad.</p> <p>FRA estimates that it will take 10 minutes to complete each notification.</p> <p>Note: The burden for locomotive engineers is covered under OMB No. 2130-0533.</p>
242.215(a)—Railroad	53 railroads	53 reviews and	40 hours	2,120	\$163,240	\$77	No later than March 31 of each year

oversight responsibility— review and analysis of administration of certification program		analyses		hours			(beginning in calendar year 2013), each Class I railroad (including the National Railroad Passenger Corporation and a railroad providing commuter service) and each Class II railroad shall conduct a formal annual review and analysis concerning the administration of its program for responding to detected instances of poor safety conduct by certified conductors during the prior calendar year.  FRA estimates that it will take 40 hours to complete each review and analysis.
—(d)-(i) Report of findings by RR to FRA	765 railroads	53 reports	4 hours	212 hours	\$16,324	\$77	If requested in writing by FRA, the railroad shall provide a report of the findings and conclusions reached during such annual review and analysis effort.  FRA estimates that it will take 4 hours to complete each report. Note: The burden for locomotive engineers is covered under OMB No. 2130-0533.
242.301(a)— Determinations— territorial qualification and joint operations	320 railroads	1,000 determinations	15 minutes	250 hours	\$14,750	\$59	Except as provided in paragraph (c) or (d), or (e) of this section, a railroad, including a railroad that employs conductors working in joint operations territory, shall not permit or require a person to serve as a conductor unless that railroad determines that the person is certified as a conductor and possesses the necessary territorial qualifications for the applicable



							territory pursuant to § 242.119.  FRA estimates that approximately two percent of the total number of conductors will be qualified for a joint territory and the necessary determination made. It is estimated that it will take approximately 15 minutes to make each determination.
—(b) Notification by persons who do not meet territorial qualification	320 railroads	500 notifications	10 minutes	83 hours	\$4,897	\$59	Each person who is called to serve as a conductor shall: (i) Meet the territorial qualification requirements on the segment of track upon which he or she will serve as a conductor; and (ii) Immediately notify the railroad upon which he or she is employed if he or she does not meet the required territorial qualifications.  FRA estimates that it will take approximately 10 minutes to complete each notification.
242.401(a)—Denial of certification—notification to candidate of information that forms basis for denying certification	765 railroads	40 notices + 40 responses	1 hour + 1 hour	80 hours	\$5,440	\$77 and \$59	A railroad shall notify a candidate for certification or recertification of information known to the railroad that forms the basis for denying the person certification and provide the person a reasonable opportunity to explain or rebut that adverse information in writing prior to denying certification. A railroad shall provide the conductor candidate with any written documents or records, including written statements, related to failure to meet a requirement of this Part which support its pending denial decision.

							FRA estimates that it will take approximately one hour to complete each notification letter and approximately one hour to complete each rebuttal response.
—(c) Written notification of denial of certification, including the basis and response to any rebuttal from the candidate	765 railroads	80 notifications	1 hour	80 hours	\$6,160	\$77	<p>If a railroad denies a person certification or recertification, it shall notify the person of the adverse decision and explain, in writing, the basis for its denial decision. The basis for a railroad’s denial decision shall address any explanation or rebuttal information that the conductor candidate may have provided in writing pursuant to paragraph (a) of this section. The document explaining the basis for the denial shall be served on the person within 10 days after the railroad's decision and shall give the date of the decision.</p> <p>FRA estimates that it will take approximately one hour to complete each notification.</p>
242.403—Criteria for revoking certification—review of compliance conduct	765 railroads	1,000 certification reviews	15 minutes	250 hours	\$14,750	\$59	<p>Each railroad shall adopt and comply with a program which meets the requirements of this section. When any person including, but not limited to, each railroad, railroad officer, supervisor, and employee violates any provision of a program which complies with the requirements of this section, that person shall be considered to have violated the requirements of this section.</p> <p>FRA estimates that it will take 15</p>

							minutes to conduct each certification review.  Note: The burden requirement under paragraphs (c) and (f) of this section are covered under § 242.405.
242.405—Period of ineligibility—written determination that the most recent incident has occurred	765 railroads	1,000 written determinations	1 hour	1,000 hours	\$59,000	\$59	A period of ineligibility begins on the date of the railroad's written determination that the most recent incident has occurred.  FRA estimates that it will take one hour to complete each written determination.  Note: The burden requirement under paragraphs (a)(2)-(a)(3) and (b)-(c) are covered under § 242.403 and § 242.119 respectively.
242.407(a)—Process for revoking certification — revocation for violations of § 242.115(e)	765 railroads	1,000 revoked certifications	8 hours	8,000 hours	\$960,000	\$120	Except as provided for in § 242.115(g), a railroad that certifies or recertifies a person as a conductor and, during the period that certification is valid, acquires reliable information regarding violation(s) of § 242.403(e) or § 242.115(e) of this chapter shall revoke the person's conductor certificate.  FRA estimates that it will take eight hours to revoke each certification at the railroad hearing.
—(b)(1) Immediate suspension of certificate	765 railroads	1,000 suspended certification letters	1 hour	1,000 hours	\$77,000	\$77	FRA estimates that it will take one hour to receive the information and notify each employees of the suspended certification.
—(b)(5) Determinations	765	1,000	15	250	\$14,750	\$59	FRA estimates that it will take 15

based on railroad hearing record	railroads	determinations	minutes	hours			minutes to complete each determination.
—(b)(7) Hearing record	765 railroads	1,000 records	15 minutes	250 hours	\$19,250	\$77	FRA estimates that it will take 15 minutes to keep each record.
—(c) Written decisions by railroad official	765 railroads	1,000 written decisions	2 hours	2,000 hours	\$240,000	\$120	FRA estimates that it will take two hours to complete each written decision.
—(c) Service of written decision on employee by RR and RR retains proof of service	765 railroads	1,000 served written decisions + 1,000 service proofs	10 minutes + 5 minutes	250 hours	\$19,250	\$77	FRA estimates that it will take approximately 10 minutes to complete serving each decision on the employee/employee representative and 5 minutes for the railroad to retain each proof of service.
—(f) Written waiver of right to hearing	48,500 conductors	700 written waivers	10 minutes	117 hours	\$6,903	\$59	A person may waive the right to the hearing provided under this section. That waiver shall: (1) Be made in writing; (2) Reflect the fact that the person has knowledge and understanding of these rights and voluntarily surrenders them; and (3) Be signed by the person making the waiver.  FRA estimates that it will take 10 minutes to complete each written waiver.
—(g) Revocation of certification based on information that another railroad has done so	765 railroads	15 revoked certifications	10 minutes	3 hours	\$360	\$120	A railroad that has relied on the certification by another railroad under the provisions of § 242.127 or § 242.301, shall revoke its certification if, during the period that certification is valid, the railroad acquires information which convinces it that another railroad has revoked its certification in accordance with the provisions of this section. The requirement to provide a hearing

							<p>under this section is satisfied when any single railroad holds a hearing and no additional hearing is required prior to a revocation by more than one railroad arising from the same facts.</p> <p>FRA estimates that it will take 10 minutes to receive and review the information and then revoke the person's certification.</p>
—(j) Placing relevant information in record prior to suspending certification/convening hearing	765 railroads	100 updated records	1 hour	100 hours	\$7,700	\$77	<p>The railroad shall place the relevant information in the records maintained in compliance with § 242.215 for Class I (including the National Railroad Passenger Corporation) and Class II railroads, and § 242.203 for Class III railroads if sufficient evidence meeting the criteria provided in paragraph (i) of this section, becomes available either:</p> <p>(1) Prior to a railroad's action to suspend the certificate as provided for in paragraph (b)(1) of this section; or</p> <p>(2) Prior to the convening of the hearing provided for in this section;</p> <p>FRA estimates that it will take one hour to place this information in each record or update the record.</p>
—(k) Good faith determination	The burden for this requirement is included under § 242.401. Consequently, there is no additional burden associated with this requirement.						
242.501—Review board established.	The requirements of this provision are exempted from the Paperwork Reduction Act under 5 CFR 1320.4(2) which states: "The requirements of this Part ... shall not apply to collections of information ... during the conduct of a civil action to which the United States or any official or agency thereof is a party, or during the conduct of an administrative action, investigation, or audit involving an agency against specific individuals or entities ..." Since this provision pertains to an						
242.503—Petition requirements							

242.509—Hearings	administrative action/investigation, there is no burden associated with these requirements.					
242.511—Appeals						
Appendix B to Part 242— Procedures for submission and approval of conductor certification programs	The burden for this requirement is included under §§ 242.101, 242.103, 242.107, 242.111, 242.117, 242.119, 242.121, 242.125, 242.127, 242.201, 242.211, 242.301, 242.401, 242.403, and 242.407. Consequently, there is no additional burden associated with this requirement.					
Totals	765 railroads	222,386 responses	N/A	49,761 Hours	\$4,303,437	N/A

**13. Estimate of total annual costs to respondents.**

Besides the burden hours listed in the answer to question number 12 above, there are additional annual costs to respondents. They are as follows:

**ADDITIONAL COSTS**

\$17,091 – Letters to State Chief Licensing Officer for Motor Vehicle Record + Fee to State for Record (§ 242.111) (1,620 letters @ \$0.55 for postage + 1,620 State fees @ \$10 each)

\$1,053,000 – Vision/Hearing Acuity Tests (§ 242.117) (16,200 conductor vision tests @ \$20 per test + 16,200 conductor hearing tests @ \$45 per test)

Cost for Replacement Certificates = \$500 (500 certificates x \$1)

Total Cost = \$1,070,591

**14. Estimate of Cost to Federal Government.**

FRA estimates that approximately one person (at the GS-14 step 5 level; 2021 OPM Pay Schedule for Dallas-Fort Worth, TX-OK) will be spending 50 percent of his/her time in administering the Conductor Certification Program. This excludes time spent doing routine compliance and enforcement activities. Multiplying annual salary of \$133,012 times 50 percent times 75 percent overhead cost equals to an annual Federal cost of \$116,386.

There will also be annual costs to FRA for staff members who will sit on the Operating Crew Review Board (OCRB) and will handle Dispute Resolution Procedures. These costs are as follows:

\$70,000 – Processing Certification Review Petitions to FRA (§ 242.503) (100 petitions each year @\$700 per petition)

\$20,760 – Agency Hearings (§ 242.509) (10 hearings each year @\$2,076 per hearing)

\$5,400 – Appeals (§ 242.511) (3 appeals each year @\$ 1,800 per appeal)

Total = \$212,546 (\$116,386 + \$70,000 + \$20,760 + \$5,400)

**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 856,406 hours and 268,799 responses, while the requesting inventory estimates a total burden of 49,761 hours and 222,386 responses. Overall, the burden for this submission has decreased by 806,645 hours and decreased by 46,413 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 and were completed/fulfilled by the railroad industry. For instance, 608,100 burden hours under § 242.105(a)(2), (d), and (e) were removed because the railroad industry has completed the burden associated with these requirements. 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 Analyses and Estimates
	Previous Submission	Current Submission	Difference	Previous Submission	Current Submission	Difference	
242.103(b)—Approval of design of individual railroad programs by FRA—Certification programs for new railroads	5 new programs (16 hours)	3 new conductor certification programs (8 hours)	-2 new conductor certification programs	78 hours	24 hours	-54 hours	The reduction in burden hours is due to changes in responses and in average time response. FRA estimates few railroads will commence operations. Additionally, FRA is assuming railroads will use templates to create their certification programs.
—(c)(1) Conductor certification submission—Copies to rail labor organizations (RLOs)	40 copies (15 minutes)	6 certification program submission copies (15 minutes)	-34 certification program submission copies	10 hours	2 hours	-8 hours	The reduction in burden hours is due to updates to the rail labor organizations and number of new railroads. FRA had previously overestimated the burden.
—(c)(2) Affirmative statements that copies of submissions were sent to RLOs	40 avowals (15 minutes)	6 affirmative statements (15 minutes)	-34 affirmative statements	10 hours	2 hours	-8 hours	The reduction in burden hours is due to updates to the rail labor organizations and number of new railroads.



							FRA had previously overestimated the burden.
—(d) Certified comments on submissions	15 comments (4 hours)	6 certified comments (4 hours)	-9 certified comments	60 hours	24 hours	-36 hours	The reduction in burden hours is due to updates to the rail labor organizations and number of new railroads. FRA had previously overestimated the burden.
—(g) Certification programs disapproved by FRA and then revised	10 programs (3 hours)	15 modified programs (3 hours)	5 modified programs	30 hours	45 hours	15 hours	The increase in burden hours is due to review of estimated number of submissions expected to be received. In the new estimate, FRA assumes that additional railroads will submit modified programs.
—Revised programs disapproved and then re-submitted	1 program (2 hours)	0	-1 response	2 hours	0	-2 hours	The burden for this requirement is included under § 242.103(i)(3).
242.105(a)(2)—Implementation Schedule—Issued certificates (1/3 each year)	16,200 certificates (30 minutes)	0	-16,200 responses	8,100 hours	0	-8,100 hours	The burden for this requirement has already been completed by railroads.
—(b) Issued certificates (1/3 each year)	1,800 certif. (30 minutes)	0	-1,800 responses	900 hours	0	-900 hours	The burden for this requirement has already been completed by railroads.
—(c) Requests for delayed certification	200 requests (30 minutes)	0	-200 responses	100 hours	0	-100 hours	The burden for this requirement has already been completed by railroads.
—(d) Testing/evaluation to certify persons	1,000 tests (560 hours)	0	-1,000 responses	560,000 hours	0	-560,000 hours	The burden for this requirement has already been completed by railroads.
—(e) Testing/evaluation to certify conductors (Class III)	100 tests (400 hours)	0	-100 responses	40,000 hours	0	-40,000 hours	The burden for this requirement has already been completed by railroads.

242.107—Types of service— Reclassification to diff type of cert	25 conductor tests/ratings (8 hours)	400 records of trainings (2 minutes)	375 records of trainings	200 hours	13 hours	-187 hours	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, however, recognizes recordkeeping should be included. Thus, the amount of time per submission has been adjusted accordingly.
242.111(b)—Prior Safety Conduct as Motor Vehicle Operator—Eligibility determinations	1,100 ratings (10 minutes)	16,200 eligibility determinations (10 minutes)	15,100 eligibility determinations	183 hours	2,700 hours	2,517 hours	FRA had previously underestimated the burden. This new estimate is more accurate in terms of number of responses to be expected.
—(c) Initial certification for 60 days	75 certificates (10 minutes)	150 initial certifications (10 minutes)	75 initial certifications	13 hours	25 hours	12 hours	An adjustment was made based on the new estimate of eligibility determinations.
—(f) Driver info not provided and request for waiver by persons/railroad	5 requests (2 hours)	0	-5 responses	10 hours	0	-10 hours	FRA estimates zero (0) waiver requests will be received.
—(h) Request to obtain driver’s license information from licensing agency	18,000 requests (15 minutes)	16,200 written requests (15 minutes)	-1,800 written requests	4,500 hours	4,050 hours	-450 hours	The reduction in the number of responses is due to the new estimate for number of conductors.
—(j) Requests for additional information from licensing agency	25 requests (10 minutes)	0	-25 responses	4 hours	0	-4 hours	The burden for this requirement is included under § 242.111(h).
—(l) Report of Motor Vehicle Incidents	200 reports (10 minutes)	400 self-reporting (10 minutes)	200 self-reporting	33 hours	67 hours	34 hours	FRA had previously underestimated the burden. This new estimate is more accurate in terms of number

							of responses to be expected.
—(m)-(n) Evaluation of driving record	18,000 rating (15 minutes)	16,200 motor vehicle record evaluations (5 minutes)	-1,800 motor vehicle record evaluations	4,500 hours	1,350 hours	-3,150 hours	The reduction in the number of responses is due to the new estimate for number of conductors. Additionally, the amount of time per record was reduced from 15 minutes to 5 minutes, because this new estimate is more accurate in terms of the time necessary to complete this type of record.
—(o)(1) DAC referral by RR after report of driving drug/alcohol incident	180 referrals (5 minutes)	400 DAC referrals (5 minutes)	220 DAC referrals	15 hours	33 hours	18 hours	FRA had previously underestimated the burden. This new estimate is more accurate in terms of number of responses to be expected.
—(o)(2) DAC request and supply by persons of prior counseling or treatment	5 requests/ records (30 minutes)	20 requests and supplied records (30 minutes)	15 requests and supplied records	3 hours	10 hours	7 hours	An adjustment was made based on the new estimate for DAC referrals.
242.115(b)— Determination that person meets eligibility requirements	18,000 determinations (2 minutes)	16,200 determinations (2 minutes)	-1,800 determinations	600 hours	540 hours	-60 hours	The reduction in the number of responses is due to the new estimate for number of conductors.
—(e) Certification reviews for occurrence/ documentation of prior alcohol/drug conduct by persons/conductors	18,000 cert. reviews (10 minutes)	16,200 certification reviews (10 minutes)	-1,800 certification reviews	3,000 hours	2,700 hours	-300 hours	The reduction in the number of responses is due to the new estimate for number of conductors.
—(e)(3)(ii) Notification to person that recertification has been denied	300 notices (10 minutes)	300 notifications (30 minutes)	0	50 hours	150 hours	100 hours	The amount of time per notification was increased. This new estimate is more accurate in terms of the time necessary to prepare this type of document.
242.117(b)—Vision	18,000	16,200 records	-1,800 records	6,000 hours	540 hours	-5,460	Based on FRA's

and hearing acuity— Determination vision standards met	determinations (20 minutes)	(2 minutes)				hours	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, however, recognizes recordkeeping should be included. Thus, the amount of time per submission has been adjusted accordingly. The burden for this requirement is included under § 242.117(b).  The reduction in the number of responses is due to the new estimate for number of conductors. Additionally, the average time per response changed from 2 hours to 10 minutes. This updated estimate is based on the amount of time it takes to print the test results, review the tests, and share them with the conductors. The original figure included the exam time (excepted category of information under the PRA).  The reduction is due to review of estimated number of submissions expected to be received. FRA had previously overestimated the burden, as about a third of the
—(b) Determination hearing standards met	18,000 determinations (20 minutes)	16,200 records (2 minutes)	-1,800 records	6,000 hours	540 hours	-5,460 hours	
—Additional gap hearing tests	200 determinations (20 minutes)	0	-200 determinations	67 hours	0	-67 hours	
—(c)(1) Medical examiner certificate that person has been examined/passed test	18,000 certificates (2 hours)	16,200 file medical examiners (10 minutes)	-1,800 file medical examiners	36,000 hours	2,700 hours	-33,300 hours	
—(e) Notation person needs corrective device (glasses/hearing aid)	10,000 notes (10 minutes)	5,000 certificate notifications (10 minutes)	-5,000 certificate notifications	1,667 hours	833 hours	-834 hours	

							conductors wear glasses/or hearing aids.
—(j) Request for further medical evaluation for new determination	100 requests + 100 ratings (1 hour + 2 hours)	100 requests + 100 ratings (30 minutes + 10 minutes)	0	300 hours	67 hours	-233 hours	The average time per response changed from 2 hours to 10 minutes. This updated estimate is based on the amount of time it takes to printout the test results, review the tests, and share them with the conductors. The original figure included the exam time (excepted category of information under the PRA).
—(j) Request for second retest and another medical evaluation	25 requests + 25 ratings (1 hour + 2 hours)	25 retest requests + 25 reviews (30 minutes + 10 minutes)	0	75 hours	17 hours	-58 hours	The average time per response changed from 2 hours to 10 minutes. This updated estimate is based on the amount of time it takes to printout the test results, review the tests, and share them with the conductors. The original figure included the exam time (excepted category of information under the PRA).
—(j) Consultations by medical examiners with railroad officer and issue of conditional certification	100 consults + 100 certifications (2 hours + 10 minutes)	100 consults + 100 certifications (30 minutes + 10 minutes)	0	217 hours	67 hours	-150 hours	The average time per response changed from 2 hours to 10 minutes. This updated estimate is based on the amount of time it takes to print the test results, review the tests, and share them with the conductors. The original figure included the exam time (excepted category of information under the PRA).

—(k) Notification by certified conductor of deterioration of vision/hearing	10 notices (10 minutes)	20 notifications (10 minutes)	10 notifications	2 hours	3 hours	1 hour	The increase in burden is due to a review of estimated number of submissions expected to be received.
242.119(a)—Training —New railroads— Training program	5 programs (3 hours)	3 training programs (3 hours)	-2 training programs	15 hours	9 hours	-6 hours	The reduction in the number of responses is due the new estimate for the number of railroads that will commence operations.
—(a) Modification to training program	5 programs (30 minutes)	3 programs (30 minutes)	-2 programs	3 hours	2 hours	-1 hours	The reduction in the number of responses is due the new estimate for the number of railroads that will commence operations.
—Conductor refresher training	100 retrained conductors (2 hours)	0	-100 retrained conductors	200 hours	0	-200 hours	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, however, recognizes recordkeeping should be included. Thus, the records for this requirement is covered under § 242.119(c).
—(d)(5) Modified training programs due to new laws, regulations, orders, technologies, procedures, or equipment	24 modified programs (4 hours)	24 modified training programs (2 hours)	0	96 hours	48 hours	-48 hours	The amount of time per review was reduced because FRA had previously overestimated the burden. This new estimate is more accurate in terms of the time necessary to amend this type of document.
—(i) Familiarization	10 trained	20 training	10 training	80 hours	5 hours	-75 hours	Based on FRA’s

training for conductor of acquiring railroad from selling company/railroad prior to commencement of new operation	conductors (8 hours)	records (15 minutes)	records				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, however, recognizes recordkeeping should be included. Thus, the amount of time per submission has been adjusted accordingly.
—(l) RR continuous education/training of conductors	18,000 tr. Conductors (8 hours)	16,200 training records (15 minutes)	-1,800 training records	144,000 hours	4,050 hours	-139,950 hours	
242.121(a)— Knowledge testing — Determining eligibility	18,000 determinations (30 minutes)	16,200 examination records (15 minutes)	-1,800 examination records	9,000 hours	4,050 hours	-4,950 hours	
—(g) Retests/re-examinations	500 re-tests (8 hours)	1,000 retests or reexamination records (15 minutes)	500 retests or reexamination records	4,000 hours	250 hours	-3,750 hours	
242.123(c)— Monitoring operational performance — Unannounced compliance tests and records	18,000 tests + 18,000 records (15 minutes)	16,200 unannounced compliance test records (10 minutes)	-18,000 tests + -19,800 unannounced compliance test records	4,500 hours	2,700 hours	-1,800 hours	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

—(f) Return to service that requires unannounced compliance test/record	1,000 tests + 1,000 records (15 minutes)	1,000 unannounced compliance test records (10 minutes)	-1,000 unannounced compliance tests	250 hours	167 hours	-83 hours	considers training/testing to be an excepted category of information under the PRA. FRA, however, recognizes recordkeeping should be included. Thus, the amount of time per submission has been adjusted accordingly.
242.127—Reliance on qualification requirements of other countries	100 decisions (30 minutes)	20 determinations (30 minutes)	-80 determinations	50 hours	10 hours	-40 hours	FRA had previously overestimated the burden. This new estimate is more accurate in terms of the number of responses to be expected.
242.203(b)—Retaining information supporting determination—Records	18,000 records (15 minutes)	16,200 record retentions (15 minutes)	-1,800 record retentions	4,500 hours	4,050 hours	-450 hours	The reduction in the number of responses is due to the new estimate for number of conductors.
—(c) Amended electronic records	20 records (60 minutes)	20 amended records (30 minutes)	0	20 hours	10 hours	-10 hours	The amount of time per review was reduced because FRA had previously overestimated the burden. This new estimate is more accurate in terms of the time necessary to amend this type of record.
242.215(a)—Railroad oversight responsibility—Review and analysis of administration of certification program	44 reviews/analyses (40 hours)	53 reviews and analyses (40 hours)	9 reviews and analyses	1,760 hours	2,120 hours	360 hours	The increase in burden is due to a review of the estimated number of submissions expected to be received.
—(d) Report of findings by RR to FRA	36 reports (4 hours)	53 reports (4 hours)	17 reports	144 hours	212 hours	68 hours	The increase in burden is due to a review of the estimated number of submissions expected to be received.
242.301(a)—	1,080	1,000	-80	270 hours	250 hours	-20 hours	The decrease in burden is due



Determinations— Territorial qualification and joint operations	determinations (15 minutes)	determinations (15 minutes)	determinations				to a review of the estimated number of submissions expected to be received.
242.403—Criteria for revoking certification —Review of compliance conduct	950 reviews (10 minutes)	1,000 certification reviews (15 minutes)	50 certification reviews	158 hours	250 hours	92 hours	The increase in burden is due to review of estimated number of submissions expected to be received. Additionally, the amount of time per review was increased because FRA had previously underestimated the burden. This new estimate is more accurate in terms of the time necessary to review this type of document.
242.405—Period of ineligibility—Written determination that the most recent incident has occurred	950 written determinations (1 hour)	1,000 written determinations (1 hour)	50 written determinations	950 hours	1,000 hours	50 hours	The increase in burden is due to review of estimated number of submissions expected to be received.
242.407(a)—Process for revoking certification — Revocation for violations of section 242.115(e)	950 revoked certificates (8 hours)	1,000 revoked certifications (8 hours)	50 revoked certifications	7,600 hours	8,000 hours	400 hours	The increase in burden is due to a review of the estimated number of submissions expected to be received.
—(b)(1) Immediate suspension of certificate	950 suspend certificate (1 hour)	1,000 suspended certification letters (1 hour)	50 suspended certification letters	950 hours	1,000 hours	50 hours	The increase in burden is due to a review of the estimated number of submissions expected to be received.
—(b)(5) Determinations based on railroad hearing record	950 decisions (15 minutes)	1,000 determinations (15 minutes)	50 determinations	238 hours	250 hours	12 hours	The increase in burden is due to a review of the estimated number of submissions expected to be received.
—(b)(7) Hearing	950 records	1,000 records	50 records	475 hours	250 hours	-225 hours	The amount of time per

record	(30 minutes)	(15 minutes)					record was reduced because FRA had previously overestimated the burden. This new estimate is more accurate in terms of the time necessary to record the hearing test.
—(c) Written decisions by railroad official	950 decisions (2 hours)	1,000 written decisions (2 hours)	50 written decisions	1,900 hours	2,000 hours	100 hours	The increase in burden is due to a review of the estimated number of submissions expected to be received.
—(c) Service of written decision on employee by RR + RR service proof	950 decisions + 950 proofs (10 minutes + 5 minutes)	1,000 served written decisions + 1,000 service proofs (10 minutes + 5 minutes)	50 served written decisions + 50 service proof	238 hours	250 hours	12 hours	The increase in burden is due to a review of the estimated number of submissions expected to be received.
—(f) Written waiver of right to hearing	425 waivers (10 minutes)	700 written waivers (10 minutes)	275 written waivers	71 hours	117 hours	46 hours	FRA had previously underestimated the burden. This new estimate is more accurate in terms of number of responses to be expected.

Additionally, the cost to respondents from the previous submission has decreased by \$339,074 (from \$1,409,665 to \$1,070,591). The certification programs are submitted electronically thus offsetting the cost of paper copies and postage.

**16. Publication of results of data collection.**

There are no plans for publication of this submission.

The information to be collected is used by specialists and field personnel to enforce the regulation. The information collected may be incorporated into the FRA database, where relevant and appropriate, and provided to the general public and other interested parties who wish to access the information on the FRA Website.

**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 a Notice in the Federal Register.

**18. Exception to certification statement.**

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