

111 FEDERAL RAILROAD ADMINISTRATION
Railroad Locomotive Safety Standards and Event Recorders
(Title 49 Code of Federal Regulations (CFR) Part 229)
SUPPORTING JUSTIFICATION
OMB Control No. 2130-0004

Summary of Submission

- 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 December 21, 2018, which expires December 31, 2021.
- The Federal Railroad Administration (FRA) published the required 60-day Federal Register Notice on August 23, 2021. See 86 FR 47195. FRA received one comment in response to this Notice.
- Overall, the adjustments decreased the burden by -3,583,226 hours and increased responses by 1,319,655 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.

1. Circumstances that make collection of the information necessary.

Background

FRA has broad statutory authority to regulate railroad safety. The Federal railroad safety laws (formerly the Locomotive Boiler Inspection Act at 45 U.S.C. 22-34, repealed and re-codified at 49 U.S.C. 20701-20703) prohibit the use of unsafe locomotives and authorizes FRA to issue standards for locomotive maintenance and testing. In order to further FRA's ability to respond effectively to contemporary safety problems and hazards as they arise in the railroad industry, Congress enacted the Federal Railroad Safety Act of 1970 (Safety Act) (formerly 45 U.S.C. 421, 431 et seq., now found primarily in chapter 201 of Title 49). 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). (Until July 5, 1994, the Federal railroad safety statutes existed as separate acts found primarily in title 45 of the United States Code. On that date, all of the acts were repealed, and their provisions were re-codified into title 49 of the United States Code). All references to parts and sections in this document shall be to parts and sections located in Title 49 of the Code of Federal Regulations.

Pursuant to its general statutory rulemaking authority, FRA promulgates and enforces rules as part of a comprehensive regulatory program to address the safety of: railroad track, signal systems, communications, rolling stock, operating practices, passenger train emergency preparedness, alcohol and drug testing, locomotive engineer certification, and workplace safety. In 1980, FRA issued the majority of the regulatory provisions currently found at 49 CFR part 229 (“part 229”) addressing various locomotive related topics including: inspections and tests; safety requirements for brake, draft, suspension, and electrical systems, and locomotive cabs; and locomotive cab equipment. Since 1980, various provisions contained in part 229 have been added or revised on an ad hoc basis to address specific safety concerns or in response to specific statutory mandates.

Title 49 USC § 20701 provides that

[a] railroad carrier may use or allow to be used a locomotive or tender on its railroad line only when the locomotive or tender and its parts and appurtenances: (1) are in proper condition and safe to operate without unnecessary danger of personal injury; (2) have been inspected as required under this chapter and regulations prescribed by the Secretary of Transportation under this chapter; and (3) can withstand every test prescribed by the Secretary under this chapter.

The statute is extremely broad in scope and makes clear that each railroad is responsible for ensuring that locomotives used on its line are safe. Even the extensive requirements of Part 229 are not intended to be exhaustive in scope, and with or without that regulatory structure, the railroads remain directly responsible for finding and correcting all hazardous conditions. For example, even without these regulations, a railroad would be responsible for repairing an inoperative alerter and an improperly functioning remote control transmitter, if the locomotive is equipped with these devices.

The locomotive sanders final rule was published on October 19, 2007 (72 FR 59216 (2007)). On September 10, 2009, after a series of detailed discussions, the Railroad Safety Advisory Committee (RSAC) approved and provided recommendations on a wide range of locomotive safety issues, including locomotive brake maintenance, pilot height, headlight operation, danger markings, and locomotive electronics. The RSAC Working Group was unable to reach consensus on the issues related to remote control locomotives, cab temperature, and locomotive alerters.

FRA revised the existing regulations pertaining to Railroad Locomotive Safety Standards. The revisions updated, consolidated, and clarified the existing regulations. The final rule also incorporated existing industry and engineering best practices.

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

FRA’s locomotive safety standards (49 CFR part 229) require railroads to inspect, repair, and maintain locomotives, including their event recorders, to ensure they are safe and free of defects. Specifically, the data gathered from locomotive event recorders is used

by the railroad industry and by railroad employees (locomotive engineers, train crews, dispatchers) to improve train handling and promote the safe and efficient operation of trains throughout the country. Locomotive event recorders also provide FRA and State railroad safety inspectors with verified data elements for use in their oversight responsibilities that show how trains are operated from lead locomotives.

- Under § 229.15, each remote-control locomotive (RCL) is required to be tagged at the locomotive control stand throttle. This information is used by train crews and anyone else who would board the cab to immediately know that the locomotive is operating under remote control. If certain safety hazards arise while the train is operating under remote control, it would be brought to a stop. The tag must be removed when the locomotive is placed back in manual mode. The records associated with the inspection and testing requirements under § 229.15 are used by FRA to ensure that each remote-control locomotive is tested each time it is placed in use. This information is also used by train crews to ensure that the operator is aware of the testing and repair history of the locomotive.
- Under § 229.20, FRA has established standards for electronic recordkeeping that a railroad may elect to utilize. For each locomotive for which records of inspection or maintenance required by this Part are maintained electronically, the electronic record system must automatically notify the railroad each time the locomotive is due for an inspection, other than the daily inspection, or maintenance that the electronic system is tracking and that is required by this Part. The automatic notifications are used by railroads as a reminder that they must conduct necessary locomotive inspections.
- Under § 229.23, railroads are required to maintain and provide employees performing inspections under this section with a list of the defects and repairs made on each locomotive over the last 92 days. This information is used by employees performing inspections to enable them to know who did the previous inspection and the nature of the work done over the last three months before they conduct their current inspections in order to facilitate more complete, thorough, and effective inspections.
- The other information currently collected is used by FRA to ensure compliance with existing safety regulations and to maintain and enhance the safety of train operations. Specifically, the information collected under § 229.9 is used by FRA to ensure that locomotives with non-complying conditions are properly tagged and the engineer and other train crew members in the cab notified of the maximum speed and other restrictions so that a locomotive with one or more non-complying conditions can be safely moved as a lite or dead locomotive after a qualified person has made the determination regarding operational limitations.
- The information collected under § 229.15 is used by locomotive engineers and train crew members to assure the safe movement of remote control locomotives (RCL). Each RCL must be tagged at the locomotive stand throttle to indicate that it is being used in a remote control mode. The tag must be removed when the locomotive is placed back in manual mode. The information collected under this

section is also used to ensure that, at the start of each shift and each time an operational control unit (OCU) is linked to a RCL, railroads test: (1) The air brakes and the OCU's safety features, including the tilt switch and alerter device. (2) An OCU does not continue in use with any defective safety feature or device tested for or identified in paragraph(b)(1) of this section. (3) A defective OCU is tracked under its own identification number assigned by the railroad. Records of repairs must be maintained by the railroad and made available to FRA upon request. (4) Each time an RCL is placed in service, and at the start of each shift, locomotives that utilize Product Safety Plans (PSPs) perform a conditioning run over tracks that the PSP is being utilized on to ensure that the system functions as intended.

- The information collected under § 229.17 regarding accident reports is used by FRA to obtain instant and first-hand information on any accidents/incidents caused by locomotives. Railroads are required to immediately report any accidents due to a failure from any cause of a locomotive, or persons coming in contact with an energized part or appurtenance that result in serious injury or death of one or more persons by telephoning a toll-free number. Written confirmation of the oral report must be immediately mailed to FRA and must contain a detailed description of the accident, including (to the extent known) the causes and the number of persons killed and injured. The information collected assists FRA (and the NTSB) in investigating the accident or incident. The locomotive or the part or parts affected by the accident must be preserved intact by the railroad until after the FRA inspection.
- The information collected under § 229.21 is used by FRA inspectors to ensure that each locomotive in use undergoes at least one inspection by a qualified railroad employee during each calendar day to prevent defective locomotives from being placed in service. A written report of the inspection must be made. This report must contain the name of the carrier; the initials and the number of the locomotive; the place, date, and time of the inspection; a description of the non-complying conditions disclosed by the inspection; and the signature of the employee making the inspection. The report must be filed and retained for at least 92 days in the office of the carrier at the terminal at which the locomotive is cared for. A record must also be maintained on each locomotive showing the place, date, and time of the previous inspection. Thus, this record is displayed in the locomotives' cab for each succeeding crew until the next inspection, and is used by the crew to know the history of the locomotive/train and to facilitate the safe operation of trains.
- The information collected under § 229.23 is used by FRA inspectors to ensure that each locomotive in use undergoes the required periodic inspection. The periodic inspection is a more thorough inspection than the daily inspection, and is performed at least once every 184 days. It consists of positioning the locomotive so that a person may safely inspect the entire underneath portion of the locomotive. During the periodic inspection, numerous tests, inspections and replacement of components are made to electrical equipment, event recorders,

protection devices, braking system, internal combustion engine filtering, fuel, waste and lubricating systems, and wheels and running gear are measured and examined for critical defects. The information from these various inspections or tests is recorded under Items 13 through 17 on form FRA-F-6180.49A.

The form must be displayed under a transparent cover in a conspicuous place in the cab of each locomotive. The information collected is also used by railroads to coordinate their locomotive maintenance program.

- The information collected under §§ 229.27 and 229.29 is used by FRA inspectors to ensure that each locomotive in use undergoes required annual and biennial tests. All testing must be performed at intervals that do not exceed 368 days. While the locomotive is tied up for a periodic inspection, at the 184 day interval, various air brake components are cleaned repaired, tested, or replaced once every 368 or 736 days. Locomotives with load meters that indicate current (amperage) being applied to traction motors must also be tested. The date and place of the cleaning, repairing, and testing is recorded under Items 18 through 24 on form FRA-F-6180.49A. A record of the parts of the air brake system that are cleaned, repaired, and tested must be kept in the railroad's files or in the cab of the locomotive. Again, the information collected is also used by railroads to monitor and carry out their locomotive maintenance program and to provide a record of compliance with this Part.
- The information collected under § 229.301-§ 229.317 is used by FRA to ensure that all new or next-generation safety-critical electronic locomotive control systems, subsystems, and components (i.e., “products”) are thoroughly tested and meet Federal safety requirements before being put into operation. Specifically, under § 229.307, railroads must develop a safety analysis (SA) for each product subject to this Subpart prior to the initial use of such product on their railroad. FRA reviews each safety analysis to confirm that it does the following: (1) establishes and documents the minimum requirements that will govern the development and implementation of all products subject to this Subpart, be based on good engineering practice, and be consistent with the guidance contained in Appendix F of this Part in order to establish that a product’s safety-critical functions will operate with a high degree of confidence in a fail-safe manner; (2) includes procedures for immediate repair of safety-critical functions; and (3) is available to FRA upon request. Each railroad must comply with the safety analysis requirements and procedures related to the development, implementation, and repair of a product subject to this Subpart.
- § 229.309 is used by FRA to be kept immediately informed whenever a safety critical change is made to a product subject to this Subpart and to ensure that railroads do the following: (1) Conduct all safety critical changes in a manner that allows the change to be audited; (2) Specify all contractual arrangements with suppliers and private equipment owners for immediate notification of any and all electronic system safety critical changes to their system, subsystem, or components, and the reasons for such changes from the suppliers or equipment owners, whether or not the railroad has experienced a failure of that safety critical

system, sub-system, or component; (3) Specify the railroad's procedures for action upon notification of a safety-critical change to the electronic system, sub-system, or component, and until the upgrade, patch, or revision has been installed; and (4) Identify all configuration/revision control measures designed to ensure that safety-functional requirements and safety-critical hazard mitigation processes are not compromised as a result of any such change, and that any such change can be audited.

- § 229.311 is used by FRA to be kept apprised of prior initial planned use of a product. Railroads are required to notify the agency of their intent to place this product in service. The notification must provide a description of the product and identify the location where the complete safety analysis documentation described in § 229.307 and the training and qualification program described in § 229.319 are maintained. Additionally, railroads are required to maintain and make available to FRA all documentation used to demonstrate the product meets the safety requirements of the safety analysis for the life-cycle of the product. After the product is placed in service, the railroad must maintain a database of all safety relevant hazards encountered with the product.
- The information collected under § 229.135 from crashworthy event recorders is used by railroads to monitor railroad operations. Event recorders must capture data on train speed, direction of motion, time, distance, throttle position, brake applications and operations and, if so equipped, cab signal aspects over the last 48 hours of train operation. This information is used by the railroad's operating employees – locomotive engineers, train crews, dispatchers – to improve train handling, and promote the safe and efficient operation of trains throughout the country, based on a surer knowledge of the consequences of different control inputs.

Crashworthy event recorders provide FRA with verifiable factual information about how trains are maintained and operated. The information obtained from these requirements is used by FRA and State inspectors in their enforcement of the Locomotive Safety Standards. Specifically, the information is used to ensure that locomotives are properly maintained, and receive the required daily, periodic, and other inspections and tests. The information collected provides carriers a written record to indicate what repairs are needed, who made the repairs, and what repairs were made, and provides the engineer with the knowledge that the locomotive has been inspected, tested, and is safe to be put into service.

Most importantly, information secured from crashworthy event recorders is also used by FRA to examine the circumstances of train accidents/incidents where previously such data might not have survived the accident/incident (e.g., in cases involving fire, impact shock, crush, fluid immersion and hydrostatic pressure), or might not have been intelligible. Event recorder data provide an invaluable resource for post-accident investigations, and have been used to direct the attention of FRA, State, and railroad accident investigators to useful areas in analyzing possible causes of accidents/incidents

that were not at first considered or suspected. Such information has then been used by FRA and railroads to establish measures/procedures to prevent (reduce the likelihood of) similar accidents from recurring in the future.

In sum, this collection of information is used by FRA to accomplish its primary mission, which is to promote and enhance rail safety throughout the United States.

3. Extent of automated information collection.

To date, FRA estimates that approximately 98 percent of all responses are kept electronically.

FRA strongly encourages the use of advanced information technology, wherever feasible, to reduce burden on respondents. For purposes of compliance with the recordkeeping requirements of Part 229, with the exception of:

- the daily inspection record maintained on the locomotive required by § 229.21,
- the cab copy of Form FRA F 6180-49-A required by § 229.23,
- the fragmented air brake maintenance record required by § 229.27, and records required under § 229.9,

Railroads may create, maintain, and transfer any of the records required by this part as long as their system meets the specified criteria to maintain through appropriate levels of security, such as, recognition of an electronic signature, or other means, which uniquely identify the initiating person as the author of that record.

4. Efforts to identify duplication.

This information to our knowledge is not duplicated anywhere. Similar data are not available from any other source.

5. Efforts to minimize the burden on small businesses.

Background

“Small entity” is defined in 5 U.S.C. § 601. Section 601(3) defines a “small entity” as having the same meaning as “small business concern” under § 3 of the Small Business Act. This includes any small business concern that is independently owned and operated, and is not dominant in its field of operation. Section 601(4) includes not-for-profit enterprises that are independently owned and operated, and are not dominant in their field of operations within the definition of “small entities.” Additionally, § 601(5) defines as “small entities” governments of cities, counties, towns, townships, villages, school districts, or special districts with populations less than 50,000.

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

SBA size standards may be altered by Federal agencies in consultation with SBA, and in conjunction with public comment. Pursuant to the authority provided to it by SBA, FRA has published a final policy, which formally establishes small entities as railroads that meet the line haulage revenue requirements of a Class III railroad. Currently, the revenue requirements are \$20 million or less in annual operating revenue, adjusted annually for inflation. The \$20 million limit (adjusted annually for inflation) is based on the Surface Transportation Board’s threshold of a Class III railroad carrier, which is adjusted by applying the railroad revenue deflator adjustment. The same dollar limit on revenues is established to determine whether a railroad shipper or contractor is a small entity. FRA is using this definition for this rulemaking.

There are approximately 704 small railroads meeting the definition of “small entity” as described above. FRA estimates that all of these small entities could potentially be impacted by one or more of the proposed changes in this rulemaking. Note, however, that approximately 50 of these railroads are subsidiaries of large short line holding companies with the technical multidisciplinary expertise and resources comparable to larger railroads. Many of the changes or additions in this rulemaking will not impact all or many small railroads. The nature of some of the changes would dictate that the impacts primarily fall on large railroads that purchase new and/or electronically advanced locomotives.

Small railroads generally do not purchase new locomotives; they tend to buy used locomotives from larger railroads. Also, two of the final rule provisions – requirements for alerters and RCL standards – would burden very few, if any, small railroads. The most burdensome requirement for small railroads would be the revisions to cab temperature since older locomotives are less likely to meet the revised standards and small railroads tend to own older locomotives. It is also important to note that the finalized changes only apply to non-steam locomotives. There are some small railroads that own one or more steam locomotives which these changes will not impact. For these entities this finalized regulations would have very little or no impact. FRA estimates that there are about five small railroads that only own steam locomotives.

Additionally, FRA is very aware of cost burdens on railroads and the importance of easing them, where possible. FRA has eased the burden of specific “annual test dates” by acknowledging that any time an event recorder is downloaded, reviewed for the relevant elements as required in § 229.135(b), and successfully passes that review, a new 368-day interval begins. The added flexibility provided by this section could mean that locomotives equipped with microprocessor-based event recorders need never visit a shop just to check the event recorder.

Representatives of small railroads participated in the RSAC discussions that provided the basis for FRA's most recent final rule.

6. Impact of less frequent collection of information.

If this collection of information were not conducted or conducted less frequently, railroad safety throughout the country would be seriously hampered. Specifically, without the information to be collected under Subpart E of this final rule, FRA would have no way to review, assess, and approve new/novel safety-critical electronic locomotive control systems, subsystems, and components (i.e., "products" as defined in § 229.305) before they are put in service by railroads. Without prior review and evaluation on new locomotive technology/products before being placed in service, there might be increased and more severe rail accidents with corresponding injuries, fatalities, and property damage.

Without the locomotive accident report information collected under this regulation, FRA would have no way to track accidents caused by failure of a locomotive or any part of appurtenance of a locomotive. Without such data and the ability to amass locomotive accident reporting historical data over time, FRA and railroads would be unable to determine the cause(s) of such failures, detect trends, and devise necessary safety countermeasures to prevent such locomotive caused accidents from recurring. Without corrective or remedial measures to address locomotive failures, recurrence of such failures would be inevitable, leading to greater numbers of rail accidents/incidents and casualties that accompany them.

Without the daily and periodic locomotive inspection records kept by railroads, FRA would have no way to verify that railroads are carrying out these critical inspections to maintain safety. Also, FRA would have no way to track or follow up on non-complying conditions that were disclosed by the daily inspection. FRA inspectors review these daily inspection reports to assure regulatory compliance and to confirm that necessary repairs are completed by qualified railroad personnel. Without a means of verifying locomotive inspection and repair, defective locomotives could be placed in service, causing avoidable accidents/incidents and preventable casualties to railroad personnel and the general public.

Without the collection of information provided by event recorders, FRA and railroads would be unable to monitor daily operations of locomotives so as to ensure safe train movements of passengers and goods all across the United States. Without periodic inspections of event recorders and without event recorder data verification readout records, there would be no way of ensuring that the locomotive event recorders are working properly and are truly capturing required data which are representative of the locomotive's actual operations. The lack of this essential and highly useful information could have an extremely adverse impact on train handling and rail safety since railroads

and train crews would be unaware of those critical areas where management and labor need to focus their efforts in order to eliminate problems or potential problems. This, in turn, could lead to increased numbers of accident/incidents, resulting in greater and more severe injuries and increased deaths and higher property damage and, in cases involving the transport of hazardous materials, greater harm to the environment and surrounding communities.

Additionally, without event recorder information, FRA, railroads, and other investigators would be unable to extract and analyze vital data needed to determine the cause(s) of an accident/incident that would provide valuable insight into preventing similar accidents/incidents from occurring in the future. By supplying investigators with information on speed, throttle position, and braking, as well as a record of all the significant actions taken before the accident, event recorder data often become the foundation of the accident investigation. Without event recorder data, other data or testimony may be misinterpreted; accident causation identification may be either incomplete, or erroneous; and improper or insufficient remedial actions may be put in place.

FRA has incorporated requirements for the capture of additional data parameters and for crash-hardening the event recorder memory module. Without certification that event recorders have crashworthy memory modules, critical data might be lost because the event recorder did not survive an accident/incident due to fire, impact shock, crush, fluid immersion, or hydrostatic pressure. Without the vital information that crash-hardened event recorder memory modules provide in such an accident/incident investigations, FRA and the railroads would be seriously hindered in developing essential measures and procedures that would forestall similar accidents/incidents from occurring in the future.

In sum, this collection of information aids FRA in fulfilling its primary mission of promoting and enhancing rail safety throughout the United States and contributes as well to DOT's Primary Strategic Goal of transportation safety.

7. **Special circumstances.**

All information collection requirements are in compliance with this section.

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

In accordance with the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. §§ 3501-3520), and its implementing regulations, 5 CFR Part 1320, FRA published a notice in the Federal Register on August 23, 2021, soliciting public comments on these information collection requirements. FRA solicited comments regarding whether the collection is necessary for FRA to properly execute its functions; the accuracy of FRA's estimates; ways to enhance the quality, utility, and clarity of the information collected; and, ways for FRA to minimize the

burden on the public.¹

FRA received one comment from the Association of American Railroads (AAR) and the American Short Line and Regional Railroad Association (ASLRRA) in response to this 60-day notice. This comment letter is a follow-up to a discussion that AAR had with FRA on October 14, 2021. A summary of the discussion is available in the above-referenced docket.

In their joint comment letter, AAR and ASLRRA expressed their concerns with FRA's proposed burden estimates. They asserted that these estimates were significantly reduced from the 2018 OMB control no. 2130-0004 ICR package, even though the scope of the part 229 requirements have remained unchanged since that time. AAR and ASLRRA specifically cited to §§ 229.21 and 229.25(d), in which the paperwork burdens were reduced from 31-33 minutes to 3 minutes and 350 hours to 0 hours, respectively. They also noted that the only information publicly available to compare FRA's significant reduction in estimated burdens is a chart appearing in the 60-day notice.

In response to this feedback, FRA has reviewed its PRA estimates, which are re-printed below. However, except for a typographical error associated with § 229.317(g), FRA believes that it accurately captured the part 229 paperwork burdens in the 60-day notice. While preparing this revised ICR package, FRA performed a detailed review of part 229 and made several adjustments to its estimated paperwork burdens. FRA determined that many estimated paperwork burdens were either outdated or accounted for in other regulatory sections. Further, the associated burdens related to inspection and testing, as well as employee training and job briefings, should have been addressed previously when FRA calculated the economic costs of the regulation. See Executive Order 12866; OMB Circular A-4. FRA is correcting any errors by adjusting burdens that may have been accounted for in the regulation's economic analyses.

With respect to AAR's and ASLRRA's specific feedback regarding § 229.21(a), FRA determined that the 31- or 33-minute paperwork burden estimate included the railroads' performance of daily inspections. While AAR and ASLRRA are correct that the regulatory requirement has not changed since 2002, FRA is correcting its previous overestimation errors. Up until 2011, the published average time per response was 1 or 3 minutes. Between 2012 and 2018, FRA incorrectly added the time associated with the performance of daily inspections to the average time per response, so that it became 16 or 18 minutes in 2002 and then 31 or 33 minutes in 2018. The inclusion of inspection time resulted in a significant increase in the overall burden for this requirement from 155,350 to 1.9 million hours in 2012 and to 3.6 million hours in 2018. In the 60-day notice, FRA corrected the average time per response to 1 or 3 minutes, now closely matching the 2011 estimates. Similarly, FRA adjusted the average time per response under § 229.21(b) by removing the estimated paperwork burden associated with inspection that was incorrectly added in 2012. With respect to AAR's and ASLRRA's specific feedback regarding §

¹ 86 FR 47195.

229.25(d), FRA maintains that its estimate in the 60-day notice is correct and the estimated paperwork burden had previously been double-counted. Upon review of the requirements under § 229.25(d), FRA found that the burden associated with § 229.25(d)(3) is covered under § 229.25(d)(2). Thus, FRA removed the duplicative burden and included an explanatory note in the PRA table printed below.

Going forward, in future 60-day notices, FRA proposes to highlight the regulatory sections in which estimates have been significantly adjusted to allow stakeholders to more easily determine significant estimate adjustments. As stated above, FRA has re-printed the PRA table in the 60-day notice and noted below the significant adjustments.

Consultations with representatives of the affected population:

As a part of FRA's oversight and enforcement of the Railroad Locomotive Safety Standards, individuals from the railroad industry are generally in direct contact with the FRA's specialists at the time of the site inspection and can provide any comments or concerns to them.

Furthermore, on October 14, 2021, members of AAR met with FRA staff and provided oral comments on this ICR. FRA held this teleconference in a manner consistent with U.S. Administrative Procedure Act requirements and the only information that FRA shared on the call was based on public information that could be accessed on FRA's website, in the 60-day notice, or reginfo.gov.

9. Payments or gifts to respondents.

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

10. Assurance of confidentiality.

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

11. Justification for any questions of a sensitive nature.

There are no questions of a sensitive or private nature involving this regulation and its associated information collection requirements.

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.

The total annual burden hours, under the fifth column, is calculated by multiplying total annual responses by average time per responses. For example, 1,307 tags * 1 minute = 21.79 hours.

The total cost equivalent, under the seventh column, is calculated by multiplying total annual burden hours by the appropriate employee group hourly wage rate that includes a 75-percent overhead charge. For example, 21.79 hours * \$71.89 = \$1,566.48.

FRA is including the dollar equivalent cost for each of the itemized hours below using the 2020 Surface Transportation Board's (STB) Full-Year Wage A&B data series as the basis for each cost-equivalent calculation.

- For professional & administrative staff, the hourly wage rate is \$77.47 per hour (\$44.27 * 75-percent overhead charge).
- For transportation (other than train and engine), the hourly wage rate is \$71.89 per hour (\$41.08 * 75-percent overhead charge).
- For maintenance of equipment and stores, the hourly wage rate is \$59.89 per hour (\$34.22 * 75-percent overhead charge).

CFR Section	Respondent Universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C) = A * B ²	Wage rate (D)	Total cost equivalent (E) = C * D	Section Analyses and Estimates
229.9—Movement of non-complying locomotives— Tagging to indicate "non-complying locomotive"	754 railroads	1,307 tags	1 minute	21.79 hours	\$71.89	\$1,566.48	A tag bearing the words “non-complying locomotive” and containing the following information must be securely attached to the control stand on each MU or control cab locomotive and to the isolation switch or near the engine start switch on every

²Totals may not add due to rounding.

							other type of locomotive. FRA estimates that it will take approximately one (1) minute for each tag.
229.15(a)(11)— Remote control locomotives (RCL)— Tagging to indicate in remote control	754 railroads	349 tags	1 minute	5.82 hours	\$71.89	\$418.40	Each RCL must be tagged at the locomotive control stand throttle indicating the locomotive is being used in a remote-control mode. The tag must be removed when the locomotive is placed back in manual mode. FRA estimates that it will take approximately one (1) minute for each tag.
—(b)(3) Inspection, testing, and repair— Repair record of defective operator control unit linked to remote control locomotive	The estimated paperwork burden for this regulatory requirement is covered under § 229.21(a).						
229.17—Accident reports	The estimated paperwork burden for this regulatory requirement is covered under OMB control number 2130-0500.						
229.20(b)—Design requirements	Since railroads have already received agency approval for their electronic recordkeeping systems under waiver petitions, FRA estimates that there will be zero (0) requests to modify their electronic recordkeeping systems. Consequently, there is no burden associated with the above requirement.						
—(c) Operational requirements— Automatic notice to railroads each time locomotive is due for inspection or maintenance (Note: This requirement does not apply to daily inspections)	754 railroads	21,000 automatic notifications	1 second	5.83 hours	\$77.44	\$451.48	Any electronic record system used to create, maintain, or transfer a record required must be maintained. These notifications are programmed into the system. FRA estimates that it will take approximately one (1) second for each notification.
—(d) Accessibility and availability	The burden for recordkeeping is covered under § 229.21(a).						

requirements							
229.21(a)—Daily inspection—Except for multiple-unit (MU) operated locomotive	754 railroads	7,443,020 (744,302 paper records + 6,698,718 electronic records)	3 minutes (paper records) + 1 minute (electronic records)	148,860.40 hours	\$77.44	\$11,527,749.38	<p>Except for MU locomotives, each locomotive in use must be inspected at least once during each calendar day. A written report of the inspection must be made. This report must contain the name of the carrier; the initials and the number of the locomotive; the place, date, and time of the inspection; a description of the non-complying conditions disclosed by the inspection; and the signature of the employee making the inspection.</p> <p>FRA estimates that it will take approximately three (3) minutes for each paper record and one (1) minute for each electronic record.</p>
—(b) Written reports of MU locomotive inspections	754 railroads	1,300,000 written reports	3 minutes	65,000.00 hours	\$71.89	\$4,672,850.00	<p>Each MU locomotive in use shall be inspected at least once during each calendar day and a written report of the inspection shall be made. This report may be part of a single master report covering an entire group of MU's. If any non-complying conditions are found, a separate, individual report shall be made containing the name of the carrier; the initials and number of the locomotive; the place, date, and time of the inspection; the non-complying conditions found; and the signature of the inspector.</p> <p>FRA estimates that it will take approximately three (3) minutes for each written report.</p>
229.23(d)-(g)—Periodic Inspection—Locomotive	718 railroads	28,627 other than passenger	15 minutes	7,156.75 hours	\$71.89	\$514,498.76	(d) At the initial periodic inspection, the date and place of the last tests performed that are the equivalent of the tests required

<p>Inspection & Repair Record—Form FRA F 6180.49A</p>		locomotives				<p>by §§ 229.27, 229.29, and 229.31 shall be entered on Form FRA F 6180–49A. These dates shall determine when the tests first become due under §§ 229.27, 229.29, and 229.31. Out of use credit may be carried over from Form FRA F 6180–49 and entered on Form FRA F 6180–49A.</p> <p>(e) Each periodic inspection shall be recorded on Form FRA F 6180–49A. The form shall be signed by the person conducting the inspection and certified by that person’s supervisor that the work was done. The form shall be displayed under a transparent cover in a conspicuous place in the cab of each locomotive. A railroad maintaining and transferring records as provided for in § 229.20 shall print the name of the person who performed the inspections, repairs, or certified work on the Form FRA F 6180-49A that is displayed in the cab of each locomotive.</p> <p>(f) At the first periodic inspection in each calendar year, the carrier shall remove from each locomotive Form FRA F 6180–49A covering the previous calendar year. If a locomotive does not receive its first periodic inspection in a calendar year before April 2 July 3 if it is a locomotive equipped with advanced microprocessor-based on-board electronic condition monitoring controls, because it is out of use, the form shall be promptly replaced. The Form FRA F 6180–49A covering the preceding year for each locomotive, in or out of use, shall be signed by the railroad official responsible for the locomotive and</p>
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							<p>filed as required in § 229.23(f). The date and place of the last periodic inspection and the date and place of the last tests performed under §§ 229.27, 229.29, and 229.31 shall be transferred to the replacement Form FRA F 6180-49A.</p> <p>(g) The railroad mechanical officer who is in charge of a locomotive must maintain in his office a secondary record of the information reported on Form FRA 6180.49A under this Part. The secondary record must be retained until Form FRA 6180.49A has been removed from the locomotive and filed in the railroad office of the mechanical officer in charge of the locomotive. If the Form FRA 6180.49A removed from the locomotive is not clearly legible, the secondary record must be retained until the Form FRA 6180.49A for the succeeding year is filed. The Form FRA 6180.49A removed from a locomotive must be retained until the Form FRA 6180.49A for the succeeding year is filed.</p> <p>FRA estimates that it will take approximately 15 minutes to complete each form.</p>
229.23(d)-(g)— Periodic Inspection— Locomotive Inspection & Repair Record—Form FRA F 6180.49A	36 railroads	4,500 passenger locomotives	15 minutes	1,125.00 hours	\$71.89	\$80,876.25	Same as above.

<p>—(g) Secondary record of the information reported on Form FRA F 6180.49A.</p>	<p>The estimated paperwork burden for this regulatory requirement is covered under § 229.21(a).</p>						
<p>—(h) List of defects and repairs during inspection provided to RR employees</p>	<p>The associated burdens relating to the retention of defect and repair lists are covered under §§ 229.21 (for reports) and 229.23 (for records of repairs).</p>						
<p>—(i) Document from railroad to employees of all tests conducted since last periodic inspection</p>	<p>The associated burdens relating to all tests conducted since last periodic inspection are covered under § 229.23 (under "Last Periodic Inspection" entry in Form FRA F 6180.49A).</p>						
<p>229.25(d)(1)— Periodic inspection of event recorders: Written Copy of Instructions</p>	<p>FRA anticipates no new instructions during this 3-year ICR period or during the lifecycle of the event recorders. Thus, there will be no additional burdens.</p>						
<p>229.25(d)(2) and (4) —Data verification readout of event recorder</p>	<p>754 railroads</p>	<p>5,908 readout records and reports</p>	<p>90 minutes</p>	<p>8,862.00 hours</p>	<p>\$77.44</p>	<p>\$686,273.28</p>	<p>The event recorder shall be tested before any maintenance work is performed on it. At a minimum, the event recorder test shall include cycling, as practicable, all required recording elements and determining the full range of each element by reading out recorded data.</p> <p>When a successful test is accomplished, a copy of the data-verification results must be maintained in any medium with the maintenance records for the locomotive until the next one is filed.</p> <p>FRA estimates that it will take approximately 90 minutes for each</p>

							documentation.
—(d)(3) Pre-maintenance test failures of event recorder	The estimated paperwork burden for this regulatory requirement is covered under § 229.25(d)(2).						
229.27(c)—Annual tests of event recorders with self monitoring feature displaying a failure indication—Tests	The estimated paperwork burden for this regulatory requirement is covered under § 229.23 (under "Annual Tests" entry in Form FRA F 6180.49A).						
229.29—Calibration of locomotive air flow meter—Tests	The estimated paperwork burden for this regulatory requirement is covered under § 229.23 (under "Air Brakes" entry in Form FRA F 6180.49A).						
229.31—Main reservoir tests: Periodic inspections —repairs & adjustments, & data on Form FRA F 6180.49A.	The estimated paperwork burden for this regulatory requirement is covered under § 229.23 (under "Hammer and Hydro" in Form FRA F 6180.49A).						
229.33—Out-of-use credit	The estimated paperwork burden for this regulatory requirement is covered under § 229.23 (under "Out of use Credit" in Form FRA F 6180.49A).						
229.46—Tagging locomotive with inoperative or ineffective automatic/independent brake that can only be used in trailing position	754 railroads	2,269 tags	1 minute	37.81 hours	\$71.89	\$2,718.16	(4) A tag shall immediately be placed on the isolation switch of the locomotive giving the date and location and stating that the unit may only be used in a trailing position and may not be used as a lead or controlling locomotive. FRA estimates that it will take approximately one (1) minute for the placement of each tag.
229.85—Marking of all doors, cover plates,	754 railroads	1,080 decals or markings	1 minute	18.00 hours	\$59.89	\$1,078.02	All doors, cover plates, or barriers providing direct access to high voltage

<p>or barriers having direct access to high voltage equipment with words “Danger High Voltage” or with word “Danger”</p>						<p>equipment shall be marked "Danger-High Voltage" or with the word "Danger" and the normal voltage carried by the parts so protected.</p> <p>FRA estimates that it will take approximately one (1) minute for each decal or marking.</p>
<p>229.113—Warning notice</p>	<p>There are currently no steam generators in use. FRA keeps this provision just in case a railroad decides to use one. Consequently, there is no burden associated with this requirement.</p>					
<p>229.114—Steam generator inspections and tests</p>	<p>There are currently no steam generators in use. FRA keeps this provision just in case a railroad decides to use one. Consequently, there is no burden associated with this requirement.</p>					
<p>229.123(b)(2)—Locomotives equipped with a pilot, snowplow & plate with clearance above 6 inches—Marking/stenciling with words “9-inch Maximum End Plate Height, Yard or Trail Service Only”</p>	<p>754 railroads</p>	<p>22 markings/stencils</p>	<p>4 minutes</p>	<p>1.44 hours</p>	<p>\$71.89</p>	<p>\$103.52</p> <p>Each locomotive equipped with a pilot, snowplow, or end plate with clearance above 6 inches shall be prominently stenciled at each end of the locomotive with the words “9-inch Maximum End Plate Height, Yard or Trail Service Only.”</p> <p>FRA estimates that it will take approximately four (4) minutes for each stencil.</p>
<p>—(b)(3) Train crews to be notified in writing of the restrictions on the locomotive, by label or stencil in the cab, or by written operating instruction given to the crew and maintained in the cab of the locomotive</p>	<p>The estimated paperwork burden for this requirement is covered under § 229.9.</p>					
<p>—(b)(4) Notation in Remarks section of</p>	<p>The estimated paperwork burden for this regulatory requirement is covered under § 229.23 (under "Remarks" in Form FRA F 6180.49A).</p>					

Form FRA F6180.49A of pilot, snowplow, or end plate clearance above 6 inches							
229.135(a)-(b)—Event Recorders—Duty to equip and record and equipment requirements	The estimated paperwork burden for paragraph (a) is covered under § 229.23 (under “Event Recorder” in Form FRA F 6180.49A). The burden for paragraph (b) is one-time requirement, it has been fulfilled or no new certificates are required.						
— (c) Removal of event recorder from service—Tags	The estimated paperwork burden for this regulatory requirement is covered under § 229.23 (under "Event Recorder" in Form FRA F 6180.49A).						
—(e) Preserving locomotive event recorder accident data —reports	The estimated paperwork burden for this regulatory requirement is covered under OMB control number 2130-0500.						
229.140—Alerters	No record is required to be made or kept under this provision.						
229.303—Requests to FRA for on-track testing of products outside a facility	754 railroads	5 written requests	1 hour	5.00 hours	\$77.44	\$387.20	To obtain FRA approval of on-track testing outside of a test facility, a railroad shall submit a request to FRA that provides: (i) Adequate information regarding the function and history of the product that it intends to use; (ii) The proposed tests; (iii) The date, time and location of the tests; and (iv) The potential safety consequences that will result from operating the product for purposes of testing. FRA estimates that it will take approximately one (1) hour for each written request.

229.307—Safety analysis for each product subject to this subpart—Document establishing minimum requirements	754 railroads	3 safety analysis documents	240 hours	720.00 hours	\$77.44	\$55,756.80	A railroad shall develop a Safety Analysis (SA) for each product subject to this Subpart prior to the initial use of such product on their railroad. FRA estimates that it will take approximately 240 hours for each safety analysis.
229.309(a)(1)-(2) — Safety-critical changes and failures	The estimated paperwork burden on SAs is covered under § 229.307.						
—(a)(3)-(6) Safety critical changes to product subject to this subpart—Notice to FRA	754 railroads	5 notifications	8 hours	40.00 hours	\$77.44	\$3,097.60	A railroad must conduct all safety critical changes in a manner that allows the change to be audited. FRA estimates that it will take approximately eight (8) hours for each notification.
—(b)-(c) Report by product suppliers and private owners to railroads of any safety-critical changes to product	3 manufacturers	15 reports	8 hours	120.00 hours	\$77.44	\$9,292.80	(b) Product suppliers and private equipment owners shall report any safety-critical changes and previously unidentified hazards to each railroad using the product. (c) Private equipment owners shall establish configuration/revision control measures for control of safety critical changes and identification of previously unidentified hazards. FRA estimates that it will take approximately eight (8) hours for each report.
229.311(a)—Notice to FRA by railroad before placing product in service	754 railroads	3 notifications	2 hours	6.00 hours	\$77.44	\$464.64	Prior to the initial planned use of a product subject to this subpart, a railroad must inform the FRA Associate Administrator for Safety of the intent to place this

							<p>product in service. The notification must provide a description of the product and identify the location where the complete Safety Analysis (SA) documentation described in § 229.307 and the training and qualification program described in § 229.319 are maintained.</p> <p>FRA estimates that it will take approximately two (2) hours for each notification.</p>
— (c) Railroad document provided to FRA upon request demonstrating product meets safety analysis requirements for life cycle of product	The estimated paperwork burden for this regulatory requirement is covered under § 229.307.						
—(d) Railroad maintenance of data base of all safety relevant hazards encountered after product is placed in service	754 railroads	3 databases	2 hours	6.00 hours	\$77.44	\$464.64	<p>After a product is placed in service, the railroad must maintain a database of all safety relevant hazards encountered with the product. The database must include all hazards identified in the SA and those that had not been previously identified in the SA.</p> <p>FRA estimates that it will take approximately two (2) hours for each database.</p>
—(d)(1) Written report to FRA disclosing frequency of safety-relevant hazards for product exceeding threshold set forth in Safety Analysis	754 railroads	1 written report	2 hours	2.00 hours	\$77.44	\$154.88	<p>(d) If the frequency of the safety-relevant hazards exceeds the threshold set forth in the SA, then the railroad must:</p> <p>(1) Report the inconsistency by mail, facsimile, e-mail, or hand delivery to the Director, Office of Safety Assurance and Compliance, FRA, within 15 days of</p>

							discovery. FRA estimates that it will take approximately two (2) hours to complete each report.
—(d)(2)-(3) Final report to FRA on results of analyses and counter measures to reduce frequency of safety related hazards	The estimated paperwork burden for this regulatory requirement is covered under § 229.311(d)(1).						
229.313—Product testing results and records	The estimated paperwork burden for this regulatory requirement is covered under § 229.311(d).						
229.315(b)—Railroad maintenance of Operations and Maintenance Manual containing all documents related to installation, maintenance, repair, modification, & testing of a product subject to this part	754 railroads	3 filings of manuals	1 minute	.05 hour	\$77.44	\$3.87	The Operations and Maintenance Manual (OMM) shall contain the plans and detailed information necessary for the proper maintenance, repair, inspection, and testing of products subject to this Subpart. The plans shall identify all software versions, revisions, and revision dates. FRA estimates that it will take approximately one (1) minute for each filing.
—(c) Configuration management control plan	754 railroads	3 filings of revised plans	1 minute	.05 hour	\$77.44	\$3.87	Hardware, software, and firmware revisions shall be documented in the OMM according to the railroad’s configuration management control plan. FRA estimates that it will take approximately one (1) minute for each filing.
—(d) and (e) Positive ID of safety-critical components	The estimated paperwork burden for this regulatory requirement is covered under §§ 229.307 and 229.311.						

229.317(a)—Training and qualification program— Establishment and implementation of training qualification program for products subject to this subpart	754 railroads	90 filings of new or revised training programs	1 minute	1.50 hours	\$77.44	\$116.16	A railroad shall establish and implement training and qualification program for products subject to this Subpart. These programs shall meet the requirements set forth in this section and in § 229.319. FRA estimates that it will take approximately one (1) minute for each filing.
—(b) Employees trained under RR program	754 railroads	10,000 trained employees records	1 minute	166.67 hours	\$77.44	\$12,906.92	The program shall provide training for the individuals identified in this paragraph to ensure that they possess the necessary knowledge and skills to effectively complete their duties related to the product. FRA estimates that it will take approximately one (1) minute to complete each record.
—(c)(4) and (d) Training curriculum	The estimated paperwork burden for this regulatory requirement is covered under § 229.317(a).						
—(f) Periodic refresher training of employees	754 railroads	1,000 re-trained employees records	1 minute	16.67 hours	\$77.44	\$1,290.92	A railroad shall conduct periodic refresher training at intervals to be formally specified in the program, except with respect to basic skills for which proficiency is known to remain high as a result of frequent repetition of the task. FRA estimates that it will take approximately one (1) minute to complete each record.
—(g) RR regular and periodic evaluation of effectiveness of its training program	754 railroads	90 evaluations	2 hours	180.00 hours	\$77.44	\$13,939.20	A railroad shall conduct regular and periodic evaluations of the effectiveness of the training program, verifying the adequacy of the training material and its validity with respect to the railroad's products and operations.

							FRA estimates that it will take approximately two (2) hours for each evaluation.
—(h) RR record of individuals designated as qualified under this section	754 railroads	10,000 electronic records	1 minute	166.67 hours	\$77.44	\$12,906.92	A railroad shall maintain records that designate individuals who are qualified under this section until new designations are recorded or for at least one year after such persons leave applicable service. FRA estimates that it will take approximately one (1) minute to complete each record.
229.319(a)-(b)—Operating Personnel Training	The estimated paperwork burden for this regulatory requirement is covered under § 229.317. The burden for other persons who participate in the operation of a train using an onboard electronic locomotive control (conductors) is covered under OMB Control number 2130-0533.						
Appendix F to Part 229 (c)—Guidance for verification and validation of products—Third Party Assessments	FRA anticipates zero railroad submissions during this 3-year ICR period.						
—Final report of Assessment	FRA anticipates zero railroad submissions during this 3-year ICR period.						
Total ³	754 railroads	8,829,303 responses	N/A	232,525 hours	N/A	\$17,599,370	

13. Estimate of total annual costs to respondents.

Annual recurring costs to respondents for the current rule is \$62,350.⁴ The table below provides specific information on the estimated cost to the railroad industry.

³ Totals may not add due to rounding.

⁴ \$62,350.15 ≈ \$62,350 (rounded to the nearest dollar).

CFR Sections	Number of Items	Cost per Item	Cost to Respondents (Annual Average)
229.9—Movement of non-complying locomotives—Tagging to indicate "non-complying locomotive"	1,307 tags	\$0.03	\$39.21
229.15(a)(11)—Remote control locomotives—Tagging to indicate in remote control	349 tags	\$0.03	\$10.47
229.46—Tagging locomotive with inoperative or ineffective automatic/independent brake that can only be used in trailing position	2,269 tags	\$0.03	\$68.07
229.85—Marking of all doors, cover plates, or barriers having direct access to high voltage equipment with words “Danger High Voltage” or with word “Danger”	1,080 decals or repainting	\$0.03	\$32.40
229.123(b)(2)—Locomotives equipped with a pilot, snowplow, & plate with clearance above 6 inches—Marking/stenciling with words “9 inch Maximum End Plate Height, Yard or Trail Service Only”	22 markings or stencils	\$100.00	\$2,200.00
Total Annual Cost			\$2,350.15

Additionally, there is a constant replacement rate of 60 computers per year to the respondents.

Calculation: Replacement 60 computers plus miscellaneous expenses times \$1,000 = \$60,000

Total = \$2,350 + \$60,000 = \$62,350.

14. Estimate of Cost to Federal Government.

To calculate the government administrative cost, the 2021 Office of Personnel Management wage rates were used. The average wage, step 5, was used as a midpoint. Wages were considered at the burdened wage rate by multiplying the actual wage rate by an overhead cost of 75 percent. The follow table shows the estimated average annual cost to the Federal government to review all the required documents and conduct the external audits associated with this rule.

229.9—Movement of non-complying locomotives—Tagging to indicate "non-complying locomotive"	21,000 tags (1 minute)	1,307 tags (1 minute)	-19,693 tags	350.00 hours	21.79 hours	-328.21 hours	The estimates for the total annual responses, the average time per response and burden hours were based on initial 1996 figures. Thus, the current figures represent our latest and best estimates. Data unchanged since 1996. Updated the PRA estimates data from form 96.
229.15(a)(11)—Remote control locomotives—Tagging to indicate in remote control	3,000 tags (2 minutes)	349 tags (1 minute)	-2,651 tags	100.00 hours	5.82 hours	-94.18 hours	The estimates for the total annual responses, average time per response, and burden hours were outdated. Thus, the current estimates represent FRA's latest and best estimates.
—(b)(3) Inspection, testing, and repair—Repair record of defective operator control unit linked to remote control locomotive	300 records (5 minutes)	0	-300 records	25.00 hours	0	-25.00 hours	The estimated paperwork burden for this regulatory requirement is covered under § 229.21(a).
229.17—Accident reports—Reporting of accidents that results in serious injury or death of one or more persons	1 report (15 minutes)	0	-1 report	0.25 hours	0	-0.25 hours	The estimated paperwork burden for this regulatory requirement is covered under OMB control number 2130-0500.
229.20(c)—Operational requirements—Automatic notice to railroads each time locomotive is due for inspection or maintenance (Note:	21,000 notifications (1 second)	21,000 automatic notifications (1 second)	0	6.00 hours	5.83 hours	-0.17 hours	An adjustment is made due to rounding.

This requirement does not apply to daily inspections.)							
229.21(a)—Daily inspection—Except for multiple-unit operated (MU) locomotive	6,890,000 (1,674,400 paper records + 5,215,600 electronic reports) (33 minutes (inspection + paper records) + 31 minutes (inspection + electronic records) minutes)	7,443,020 written inspection reports (744,302 times 3 minutes (paper records) + 6,698,718 times 1 minute (electronic records))	553,020 written inspection reports	3,615,647.00 hours	148,860.40 hours	-3,466,786.60 hours	<p>Up until 2011, the published average time per response for this requirement was 1 or 3 minutes. Between 2012 to 2018, FRA incorrectly added inspection time to the burden estimates and thus increased the average time per response to 16 or 18 minutes in 2012 and then again to 31 or 33 minutes in 2018. The inclusion of the inspection time resulted in a significant increase in the overall burden for this requirement from 155,350 to 1.9 million hours in 2012 to 3.6 million hours in 2018.</p> <p>The associated burdens related to train equipment inspection were appropriately calculated as economic costs of the regulatory requirement. Thus, FRA has adjusted the average time per response by removing the burden associated with inspection. The corrected average time per response shows 1 or 3 minutes (down from 31 or 33 minutes), which now matches the 2011 figures, which properly excluded inspection time as a paperwork burden. Additionally, the total number of responses was updated--from 6.9 million to</p>

							7.4 million responses--using the latest base figures from the rail industry.
—(b) Written reports of MU locomotive inspections	230,000 written reports (13 minutes)	1,300,000 written reports (3 minutes)	1,070,000 written reports	49,833.00 hours	65,000.00 hours	15,167.00 hours	<p>Up until 2011, the published average time per response for this requirement was 3 minutes. From 2012 to 2018, FRA incorrectly added inspection time into burden estimates and thus increased the average time per response to 3 to 13 minutes. The inclusion of the inspection time resulted in an increase in the overall burden for this requirement.</p> <p>The associated burdens related to train equipment inspection were appropriately calculated as economic costs of the regulatory requirement. Thus, FRA has adjusted the average time per response by removing the burden associated with inspection. The corrected average time per response shows 3 minutes (down from 13 minutes), now matching the 2011 figures, which properly excluded inspection time as a paperwork burden. Additionally, total number of responses was updated--from 230,000 to 1.3 million responses--using the latest base figures from the rail industry.</p>
229.23(d)-(g)—	4,000 forms	28,627 other	24,627 other	1,067.00	7,156.75	6,089.75 hours	The estimates total annual

<p>Periodic Inspection— Locomotive Inspection & Repair Record— Form FRA F 6180.49A.</p>	<p>(16 minutes)</p>	<p>than passenger locomotives (15 minutes)</p>	<p>than passenger locomotives</p>	<p>hours</p>	<p>hours</p>		<p>responses, average time per response, and burden hours were outdated. Additionally, adjustments were made by: 1) consolidating the burdens that fall under Form F 6180.49A--§§ 229.27, 229.29, 229.31, and 229.33--which increased the responses from 4,000 to 28,627, 2) removing duplicates, 3) splitting the burden between passenger locomotives and other than passenger locomotives into two separate burden categories, and 4) correcting the average time per response--from 16 to 15 minutes--which now matches the average time per response listed under Form F 6180.49A.</p>
<p>229.23(d)-(g)— Periodic Inspection— Locomotive Inspection & Repair Record— Form FRA F 6180.49A. (*Note: FRA is proposing to create a new form for use by passenger railroads, Form F 6180-49AP (Passenger Locomotive Inspection and Repair Record), under OMB Control Number 2130- 0035. Once the new form is approved, FRA will update this collection.)</p>	<p>0 passenger locomotives (16 minutes)</p>	<p>4,500 passenger locomotives (15 minutes)</p>	<p>4,500 passenger locomotives</p>	<p>0</p>	<p>1,125.00 hours</p>	<p>1,125.00 hours</p>	<p>See above.</p>

—(g) Secondary record of the information reported on Form FRA F 6180.49A.	9,500 secondary records (2 minutes)	0	-9,500 secondary records	317.00 hours	0	-317.00 hours	The estimated paperwork burden for this regulatory requirement is covered under § 229.23.
—(h) List of defects and repairs during inspection provided to RR employees	8,000 documents/records (2 minutes)	0	-8,000 documents/records	266.00 hours	0	-266.00 hours	The associated burdens relating to the retention of defect and repair lists are covered under § 229.21 (for reports) and 229.23 (for records of repairs).
—(i) Document from railroad to employees of all tests conducted since last periodic inspection	9,500 tests/forms (2 minutes)	0	-9,500 tests/forms	317.00 hours	0	-317.00 hours	The associated burdens relating to all tests conducted since last periodic inspection are covered under § 229.23 (under "Last Periodic Inspection" entry in Form FRA F 6180.49A).
229.25(d)(1)—Periodic Inspection of Event Recorders: Written Copy of Instructions—Amendments	200 amendment copies (15 minutes)	0	-200 amendment copies	50.00 hours	0	-50.00 hours	FRA anticipates no new instructions during this 3-year ICR period or during the lifecycle of the event recorders. Thus, there will be no additional burdens.
229.25(d)(2) and (4)—Data verification readout of event recorder.	4,025 readout records/reports (90 minutes)	5,908 readout records and reports (90 minutes)	1,883 readout records and reports	6,038.00 hours	8,862.00 hours	2,824.00 hours	The estimate for the total annual responses was outdated. Additionally, the burden under § 229.25(d)(3) is combined with this burden estimate which increased the number of responses from 4,025 to 5,908.
—(d)(3) Pre-Maintenance Test Failures of Event Recorder.	700 test failure notations (30 minutes)	0	-700 test failure notations	350.00 hours	0	-350.00 hours	The estimated paperwork burden for this regulatory requirement is covered under § 229.25(d)(2).
229.27(c)—Annual tests of event recorders w/self-monitoring feature displaying a	700 tests/records (90 minutes)	0	-700 tests/records	1,050.00 hours	0	-1,050.00 hours	The estimated paperwork burden for this regulatory requirement is covered under § 229.23 (under "Annual Tests" entry in Form

failure indication— Tests							FRA F 6180.49A).
229.29—Calibration of Locomotive Air Flow Meter—Tests	88,000 tests/records (60 seconds)	0	-88,000 tests/records	1,467.00 hours	0	-1,467.00 hours	The estimated paperwork burden for this regulatory requirement is covered under § 229.23 (under "Air Brakes" entry in Form FRA F 6180.49A).
229.31—Main reservoir tests: Periodic inspections—repairs & adjustments, & data on Form 49A.	9,500 tests/forms (8 hours)	0	-9,500 tests/forms	76,000.00 hours	0	-76,000.00 hours	The estimated paperwork burden for this regulatory requirement is covered under § 229.23 (under "Hammer and Hydro" in Form FRA F 6180.49A).
229.33—Out-of-Use Credit for Locomotives	500 out-of-use notations records/reports (5 minutes)	0	-500 out-of- use notations records/report s	42.00 hours	0	-42.00 hours	The estimated paperwork burden for this regulatory requirement is covered under § 229.23 (under "Out of use Credit" in Form FRA F 6180.49A).
229.46—Tagging locomotive with inoperative or ineffective automatic/independent brake that can only be used in trailing position	2,100 tags (2 minutes)	2,269 tags (1 minute)	169 tags	70.00 hours	37.81 hours	-32.19 hours	The estimates for the total annual responses, average time per response, and burden hours were outdated. Thus, the current figures represent FRA's latest and best estimates.
229.85—Marking of all doors, cover plates, or barriers having direct access to high voltage equipment with words “Danger High Voltage” or with word “Danger”	1,000 repainting/ decals (3 minutes)	1,080 decals or repainting (1 minute)	80 decals or repainting	50.00 hours	18.00 hours	-32.00 hours	The estimates for the total annual responses, average time per response, and burden hours were outdated. Thus, the current figures represent FRA's latest and best estimates.
229.123(b)(2)— Locomotives equipped with a pilot, snowplow, & plate with clearance above 6 inches—	20 markings/ stencils (4 minutes)	22 markings/stencils (4 minutes)	2 markings/ stencils	1.00 hour	1.44 hours	.44 hour	The estimates for the total annual responses, average time per response, and burden hours were outdated. Thus, the current figures represent FRA's latest

Marking/stenciling with words “9 inch Maximum End Plate Height, Yard or Trail Service Only”							and best estimates.
—(b)(4) Notation in Remarks section of Form FRA F6180.49A of pilot, snowplow, or end plate clearance above 6 inches	20 notations (2 minutes)	0	-20 notations	1.00 hour	0	-1.00 hour	The estimated paperwork burden for this regulatory requirement is covered under § 229.23 (under "Remarks" in Form 49A).
229.135—Removal of event recorder from service—Tags	1,000 removal tags (1 minutes)	0	-1,000 removal tags	17.00 hours	0	-17.00 hours	The estimated paperwork burden for this regulatory requirement is covered under § 229.23 (under "Event Recorder" in Form 49A).
—(e) Preserving Locomotive Event Recorder Accident Data—reports	3,100 data reports (15 minutes)	0	-3,100 data reports	775.00 hours	0	-775.00 hours	The estimated paperwork burden for this regulatory requirement is covered under OMB control number 2130-0500.
229.303—Requests to FRA for on-track testing of products outside a facility.	20 requests (8 hours)	5 written requests (1 hour)	-15 written requests	160.00 hours	5.00 hours	-155.00 hours	The estimates for the total annual responses, average time per response, and burden hours were outdated. Thus, the current figures represent FRA’s latest and best estimates.
229.307—Safety Analysis for each product subject to this Subpart—Document establishing minimum requirements	50 safety analysis documents (240 hours)	3 safety analysis documents (240 hours)	-47 safety analysis documents	12,000.00 hours	720.00 hours	-11,280.00 hours	The estimates for the total annual responses, average time per response, and burden hours were outdated. Thus, the current figures represent FRA’s latest and best estimates.
229.309—Safety critical changes to product subject to this Subpart—Notice to FRA	10 notifications (16 hours)	5 notifications (8 hours)	-5 notifications	160.00 hours	40.00 hours	-120.00 hours	The estimates for the total annual responses, average time per response, and burden hours were outdated. Thus, the current figures represent FRA’s latest and best estimates.

—(b) and (c) Report by product suppliers and private owners to railroads of any safety-critical changes to product.	30 reports (8 hours)	15 reports (8 hours)	-15 reports	240.00 hours	120.00 hours	-120.00 hours	The estimates for the total annual responses, average time per response, and burden hours were outdated. Thus, the current figures represent FRA's latest and best estimates.
229.311(a)—Notice to FRA by railroad before placing product in service.	50 notifications (2 hours)	3 notifications (2 hours)	-47 notifications	100.00 hours	6.00 hours	-94.00 hours	The estimates for the total annual responses, average time per response, and burden hours were outdated. Thus, the current figures represent FRA's latest and best estimates.
—(c) Railroad document provided to FRA upon request demonstrating product meets Safety Analysis requirements for life cycle of product.	50 documents (2 hours)	0	-50 documents	100.00 hours	0	-100.00 hours	The estimated paperwork burden associated with this requirement is covered under § 229.307.
—(d) Railroad maintenance of data base of all safety relevant hazards encountered after product is placed in service	50 databases (4 hours)	3 databases (2 hours)	-47 databases	200.00 hours	6.00 hours	-194.00 hours	The burden associated with safety hazards is already identified under section § 229.307. Additionally, it takes about 2 hours to maintain each database associated with this requirement.
—(d)(1) Written report to FRA disclosing frequency of safety relevant hazards for product exceeding threshold set forth in Safety Analysis	10 written reports (2 hours)	1 written report (2 hours)	-9 written reports	20.00 hours	2.00 hours	-18.00 hours	The estimates for the total annual responses, average time per response, and burden hours were outdated. Thus, the current figures represent FRA's latest and best estimates.
—(d)(2)-(d)(3) Final Report to FRA on results of analyses and counter measures to	10 written final reports (4 hours)	0	-10 written final reports	40.00 hours	0	-40.00 hours	The estimated paperwork burden for this regulatory requirement is covered under § 229.311(d)(1).

reduce frequency of safety related hazards							
229.313—Product testing results and records	120,000 product testing records (5 minutes)	0	-120,000 product testing records	10,000 hours	0	-10,000.00 hours	The estimated paperwork burden for this regulatory requirement is covered under § 229.311(d).
229.315(b)—Railroad maintenance of Operations and Maintenance Manual containing all documents related to installation, maintenance, re-pair, modification, & testing of a product subject to this Part	300 manuals (10 hours)	3 filing of manuals (1 minute)	-297 filing of manuals	3,075.00 hours	.05 hour	-3,074.95 hours	FRA anticipates no updates to the OEM instructions. For new railroads, the instructions are provided by the OEM and, therefore, there will be no new burdens associated with this requirement. However, the paperwork burden associated with filing the documents is accounted for in this estimate.
—(c) Configuration management control plan	300 plans (3 hours)	3 filing of revised plans (1 minute)	-297 filing of revised plans	870.00 hours	.05 hour	-869.95 hours	Any revision made to the plan will be provided by OEM in accordance with the railroad confirmation management plan. Thus, the only burden associated with this requirement is the filing of these revisions.
—(d) and (e) Positive ID of safety-critical components	60,000 identified components (5 minutes)	0	-60,000 identified components	5,000.00 hours	0	-5,000.00 hours	The estimated paperwork burden for this regulatory requirement is covered under §§ 229.307 and 229.311.
229.317(a)—Training and qualification program--Establishment and implementation of training qualification program for products subject to this Subpart	300 programs (40 hours)	90 filing of new or revised training programs (1 minute)	-210 filing of new or revised training programs	12,000.00 hours	1.50 hours	-11,998.50 hours	The training program is provided by the OEM. The railroad industry implements the training qualification program. The adjusted average time per response is the burden of filing the trained programs.
—(b) Employees trained under RR	10,000 trained employees	10,000 trained employees'	0	10,000.00 hours	166.67 hours	-9,833.33 hours	The associated burden related to employee training was

program	(60 minutes)	records (1 minute)					appropriately calculated as an economic cost of the regulatory requirement. Thus, the estimated burden for trained employees' records is kept, while the training time has been removed from estimates.
—(f) Periodic refresher training of employees	1,000 re-trained employees (60 minutes)	1,000 re-trained employees' records (1 minute)	0	1,000.00 hours	16.67 hours	-983.33 hours	The associated burden related to employee training was appropriately calculated as an economic cost of the regulatory requirement. Thus, the estimated burden for trained employees' records is kept and the training time has been removed from estimates accordingly.
—(g) RR regular and periodic evaluation of effectiveness of its training program	300 evaluations (4 hours)	90 evaluations (2 hours)	-210 evaluations	1,200.00 hours	180.00 hours	-1,020.00 hours	The reduction in burden hours follows from the reduction of the number of responses and average time per submission. In this ICR package, the average of time per submission decreased and is now more accurate in terms of the time necessary to prepare this type of document.
—(h) RR record of individuals designated as qualified under this Section	10,000 records (10 minutes)	10,000 electronic records (1 minute)	0	1,667.00 hours	166.67 hours	-1,500.33 hours	The reduction in burden hours follows from the reduction of the average time per submission. Upon further review and consultation with FRA subject matter experts, FRA reduced the average of time per submission to reflect a more accurate estimate of the time needed to prepare this type of document.
Appendix F to Part 229 (c)—Guidance for	1 3rd party assessment	0	-1 3rd party assessment	4,000 hours	0	-4,000.00 hours	FRA anticipates zero railroad submissions during this 3-year

Verification and Validation of Products —3rd Party Assessments	(4,000 hours)						ICR period.
—Final Report of Assessment	1 final report (80 hours)	0	-1 final report	80 hours	0	-80.00 hours	FRA anticipates zero railroad submissions during this 3-year ICR period.
Total	7,509,648 responses	8,829,303 responses	1,319,655 responses	3,815,751 hours	232,525.00 hours	-3,583,226 hours	

16. Publication of results of data collection.

There are no publications involving these information collection requirements.

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.