1**FEDERAL RAILROAD ADMINISTRATION**
Railroad Workplace Safety
(Title 49 Code of Federal Regulations Part 214)
SUPPORTING JUSTIFICATION
OMB Control No. 2130-0553

Summary

- This submission is a revision to the last approved submission pertaining to Title 49 Code of Federal Regulations (CFR) Part 214, which was approved by OMB on November 14, 2019, and which expires November 30, 2022.
- The Federal Railroad Administration (FRA) is publishing a final rule revising part 214 titled Railroad Workplace Safety in the Federal Register on March 17, 2022. See 87 FR 15137.
- The total burden for this collection has decreased by 731 hours and by 740 responses.
- Program change increased by 1 hour and by 10 responses.
- Adjustments decreased by 741 hours and by 741 responses.
- The answer to question number 12 itemizes information collection requirement.
- The answer to question number 15 itemizes all adjustments.

1. Circumstances that make collection of the information necessary.

Background

The Federal Railroad Safety Act of 1970, as codified at 49 U.S.C. 20103, provides that, ``[t]he Secretary of Transportation, as necessary, shall prescribe regulations and issue orders for every area of railroad safety supplementing laws and regulations in effect on October 16, 1970". The Secretary's responsibility under this provision and the balance of the railroad safety laws have been delegated to the Federal Railroad Administrator (FRA). 49 CFR 1.89(m). In the field of railroad workplace safety, FRA has traditionally pursued a very conservative course of regulation, relying upon the industry to implement suitable railroad safety rules and mandating in the broadest of ways that employees be "instructed" in the requirements of those rules and that railroads create and administer programs of operational tests and inspections to verify rules compliance. This approach is based on several factors, including recognition of the strong interest of railroads in avoiding costly accidents and personal injuries, the limited resources available to FRA to directly enforce railroad safety rules, and the apparent success of management and employees in accomplishing most work in a safe manner.

Over the years, however, it became necessary to codify certain requirements, either to remedy perceived shortcomings in the railroads' rules to emphasize the importance of compliance, or to provide FRA a more direct means of promoting compliance. On December 16, 1996, FRA amended Part 214 and Subpart C, Roadway Worker Protection (RWP), was added to require that each railroad adopt an on-track safety program to protect employees working on or around railroad track from the hazards of being struck by a train or other on-track equipment.[1] Part 214 was further revised on July 28, 2003, by adding a new subpart prescribing safety standards for railroad on-track roadway maintenance machines and hi-rail vehicles.[2]

On November 25, 2009, FRA issued a notice of proposed rulemaking and proposed amendments to Part 214 that would require the railroads to adopt specified on-track safety procedures to protect certain roadway work groups from the movement of trains or other on-track equipment on "adjacent controlled track."[3] The final rule was published on November 30, 2011.[4] Two additional final rules were published on March 8, 2012, and then June 5, 2013, which delayed the effective date of the original rule. As a result, the rule became final on July 1, 2014.[5]

On June 10, 2016, FRA amended its RWP regulation to resolve interpretative issues that had arisen since the 1996 promulgation of that rule.[6] The final rule also deleted three outdated incorporations by reference of industry standards in FRA's Bridge Worker Safety Standards, and added cross references to the Occupational Safety and Health Administration's regulations on the same point.

In this final rule, FRA will revise its regulations governing railroad workplace safety to: allow for the use of alternative security standards for electronic display systems used to view track authority information for roadway worker safety, and exempt certain drone roadway maintenance machines from existing environmental control requirements.

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

This information collection request is a revision to the last approved submission. Specifically, FRA is revising its regulations governing railroad workplace safety. For instance, each drone roadway maintenance machine must be clearly identified by stenciling, marking, or other written notice in a conspicuous location on the machine indicating the potential hazards of the machine being operated from a distance or that the machine may move automatically.

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[1] 61 FR 65959.
[2] 68 FR 44388.
[3] 74 FR 61633.
[4] 76 FR 74585.
[5] 77 FR 13978.
[6] 81 FR 37840.

Additionally, the information required under § 214.336 will be used by roadway work groups to ensure that it members are properly notified in sufficient time to move to places of safety when a train or other on-track equipment is authorized to move on adjacent track at various legal speeds in accordance with the railroad's procedures for adjacent-controlled track movements over 25 miles-per-hour. The required on-track safety must be established through working limits or train approach warning provided by watchmen/lookout warnings and by notifications and communications prescribed in this section. Working limits must not be released until all affected roadway workers have either left the track or have been afforded on-track safety through train approach warning in accordance with § 214.329.

Under § 214.307, the information collected is used by FRA to ensure that each railroad adopts and implements the required on-track safety program that will afford on-track safety to all roadway worker whose duties are performed on that railroad. Each such program – and any amendments to that program – must provide for the level of safety specified in this subpart. When railroads determine that it is necessary to revise their on-track safety program, FRA reviews these program amendments to determine that the required level of safety is maintained.

Under §§ 214.343/345/347/349/353/355, FRA uses the required written records regarding roadway worker qualifications to assist its investigators after an accident or incident resulting in roadway worker casualties. These records are required to contain the type of qualification attained by each roadway worker and the most recent date of qualification. By examining these and other records, FRA can determine whether or not appropriate personnel received necessary training and followed the required on-track safety procedures.

Under § 214.503, the information collected is used by railroad workers to improve safety and prevent accidents and casualties caused by the operation of on-track roadway maintenance machines and hi-rail vehicles. Employees operating on-track roadway maintenance machines are required to notify their employer whenever they make a good faith determination that the machines do not comply with FRA regulations. For their part, employers must have in place and follow written procedures to assure prompt and equitable resolution of these challenges resulting from the good faith determination made by employees.

Under § 214.505, employers are required to maintain a list of new and designated roadway maintenance machines that are equipped with enclosed cabs with operative heating systems, operative air conditioning systems, and operative positive pressurized ventilation systems. The list determines employer responsibilities related to environmental control and protection systems for new and existing on-track roadway maintenance machines with enclosed cabs. New on-track roadway maintenance machines and existing on-track roadway maintenance machines specifically designated by the employer (of the types identified in paragraphs (a)(1) through (a)(5) of this section

or functionally equivalent thereto) must be capable of protecting employees in the cabs of the machines from exposure to air contaminants, in accordance with 29 CFR 1910.1000.

Under § 214.511, audible warning devices are required on new on-track roadway maintenance machines. The triggering mechanism for this audible warning device must be clearly identifiable and within easy reach of the machine operator. Additionally, each existing on-track maintenance machine must be equipped with a permanent or audible warning device that produces a sound loud enough to be heard by roadway workers and other machine operators within the immediate work area.

The information collected under § 214.515 serves to further enhance roadway workers' safety because their employers are required to evaluate the feasibility of providing an overhead cover for existing on-track roadway maintenance machines, if requested in writing by the operator assigned to operate that machine or by the operator's designated representative. The employer must provide a written response for each request within 60 days.

Under § 214.517, each existing on-track roadway maintenance machines must have stenciling or documentation on the machine identifying the light weight of the machine clearly displayed on it, and also the location of safe and secure positions for the machine operator and roadway workers to be transported on the machine. Thus, the displayed light weight identifies the machine's proper category and provides essential information to crane operators in the event the machine is lifted on to or loaded off a flat bed truck or rail car for movement from one work site to another. If roadway workers are not permitted on the machine, the prohibition must be noted by the stenciling or documentation on the machine.

Under § 214.523, the operator of a high-rail vehicle must check the vehicle for compliance with this subpart, prior to using the vehicle at the star of the operator's work shift. Non-complying conditions that cannot be immediately repaired must be tagged and dated in a manner determined by the employer and reported to the designated official.

FRA also uses the information collected under § 214.523. Specifically, FRA uses the records required regarding mandatory hi-rail vehicle annual safety inspections to ensure that the safety critical components of these vehicles are adequately maintained and, if necessary, promptly repaired or replaced.

Under § 214.527, the operator of an on-track roadway maintenance machine must check the machine components for compliance with this subpart, prior to using the machine at the start of the operator's work shift. Any non-complying condition that cannot be repaired immediately must be tagged and dated in a manner prescribed by the employer and reported to the designated official.

Under § 214.533, the records may be kept on the on-track roadway maintenance machine

or hi-rail vehicle or at a location designated by the employer.

Finally, FRA inspectors of all five rail safety disciplines use the violation report form (FRA F 6180.119) to cite any violations of the part 214 regulations and to recommend civil penalties for serious infractions to promote and maintain rail safety.

3. Extent of automated information collection.

In keeping with the requirements of the Paperwork Reduction Act (PRA) and the Government Paperwork Elimination Act, FRA has strongly supported and highly encouraged the use of advanced information technology, including electronic recordkeeping, to reduce burden on respondents, wherever possible, for many years. In reference to the requirements involving Subpart D, FRA has explicitly provided railroads the option of maintaining the required records electronically. For example, under § 214.307, each railroad to which this Part applies is authorized to retain its on-track safety program by electronic recordkeeping in accordance with §§ 217.9 (g) and 217.11(c) of this Subchapter.

Under § 214.505, railroads are required to maintain a roster of machinery that falls under FRA's jurisdiction for purposes of this regulation. The roster may be maintained on paper or electronically, but it must be accessible and available to FRA, Occupational Safety and Health Administration (OSHA), and other Federal, as well as State, agencies so that inspectors may determine which agency has responsibility for inspection of which machines and for enforcement of respiratory safety regulations relating to each roadway maintenance machine.

Under § 214.523, compliance records pertaining to hi-rail vehicle annual safety inspections may be kept electronically. The employer must maintain the record of the last inspection of each vehicle until the next inspection is performed.

Under § 214.533, roadway maintenance machine or new hi-rail vehicle records pertaining to compliance with the schedule of repairs may be kept electronically. Moreover, the train dispatcher or control operator in charge of the track may record by electronic means all authorities issued to establish exclusive track occupancy. Each employer may also use electronic recordkeeping to maintain the required records of each roadway worker's current qualification. FRA has provided the option then of using electronic record keeping wherever feasible.

Finally, Form FRA F 6180.119 is used within FRA's Railroad Inspection System for the Personal Computer (RISPIC system) by agency and state safety inspectors. As a result, the top one-third of the form is automatically filled-in or auto-populated once the inspector fills out the inspection report (Form FRA F 6180.96). This serves to reduce the time necessary to complete the entire form.

4. Efforts to identify duplication.

To our knowledge, this information is not duplicated anywhere. Similar data is not available from any other source.

5. Efforts to minimize the burden on small businesses.

When an agency issues a rulemaking proposal, the Regulatory Flexibility Act requires the agency to "prepare and make available for public comment an initial regulatory flexibility analysis" which will "describe the impact of the proposed rule on small entities." 5 U.S.C. 603(a). Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. FRA certified this rule in the proposed stage. FRA requested comments regarding the certification and received no comments.

"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) 1has authority to regulate issues related to small businesses and 1stipulates 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.[7]

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.[8]

1The $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 $39.2 million or less.[9]

This final rule directly affects all railroads, of which there are approximately 746 on the general system, and FRA estimates that approximately 93 percent of these railroads are small entities. Therefore, FRA has determined that this final rule will have an impact on a substantial number of small entities.

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[7] Size Eligibility Provisions and Standards, 13 CFR part 121, subpart A.

[8] 68 FR 24891 (May 9, 2003) (codified at appendix C to 49 CFR part 209).

[9] The Class III revenue threshold is $39,194,876 or less, last updated in 2018. (The Class II threshold is between $39,194,876 and $489,935,956; and the Class I threshold is $489,935,956 or more.)

However, FRA has determined that the impact on entities affected by the final rule will not be significant. The effect of the final rule will be to allow railroads the flexibility to choose the optimal electronic display equipment currently in the market, with the required level of security, without having to notify or seek approval from FRA. Further, equipment manufacturers will no longer need to seek FRA approval to forego HVAC systems on a remotely operated piece of equipment, consistent with the established safety of a longstanding waiver. FRA expects the impact of the final rule will be a reduction in the paperwork burden for railroads and manufacturers, as well as future benefits from allowing continually advancing security standards to be incorporated without a regulatory change. FRA asserts that the economic impact of the reduction in paperwork, if any, will be minimal and entirely beneficial to small railroads. Accordingly, the FRA Administrator hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

6. Impact of less frequent collection of information.

If this collection were not conducted or if this collection were conducted less frequently, the risk of injury or death to those working on or about railway tracks would be much greater. Without the requirements stipulated under § 214.336, roadway workers would not know the precise procedures and practices that they must follow for track movements by trains or other on-track equipment operating at speeds both above and below 25 miles per hour. Without the specified watchmen/lookout warnings, notifications, and communications, affected roadway workers would not know when they must stop work and occupy a predetermined place of safety. Also, without this information, roadway workers might not be properly notified in sufficient time to move to places of safety when a train or other on-track equipment is authorized to move on adjacent track at various legal speeds.

Without the requirement that employers maintain a list of new and designated roadway maintenance machines that are enclosed with cabs with operative heating systems, operative air conditioning systems, and operative ventilation systems, FRA and other Federal and State inspectors would not be able to use these rosters to determine which agency has the responsibility for inspection and enforcement of respiratory safety regulations for each roadway machine. Furthermore, without the provision that the triggering mechanism of audible warning devices required on new on-track roadway maintenance machines be clearly identifiable and within easy reach of the machine operator, more railway workers might be injured or killed because they did not know where the mechanism was in a critical situation and were not able to sound it in time.

Without the requirement that employers will now have to evaluate the feasibility of providing an overhead cover for existing on-track roadway maintenance machines if requested in writing by the operator assigned to a particular machine or by the operator's representative, the safety and health of railroad workers would be at increased risk.

Employers are now required to provide a written response within 60 days, and have to include an explanation of the reasoning used if it is determined that an overhead cover is not feasible. Unless employers have a valid reason, they cannot deny roadway workers essential equipment. Covers or canopies provide protection from blinding sun and from inclement weather, such as rain, sleet, hail, and snow, and thus serve to improve roadway worker visibility.

Additionally, each employer must maintain written or electronic records of each roadway worker's current qualifications, and make these records available to FRA for inspection and copying upon request.

Finally, without Form FRA F 6180.119, FRA would not have a mechanism to cite serious individual or corporate violations of part 214 that it could use to recommend civil penalties. In summary, the net result of not collecting this information or collecting it less frequently would be to permit a more dangerous rail environment for roadway workers.

7. Special circumstances.

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

8. Compliance with 5 CFR 1320.8.

As noted in the summary section on page one, FRA is publishing a Notice of final rule in the Federal Register on March 17, 2022, titled Railroad Workplace Safety.[10]

FRA published a Notice of Proposed Rulemaking (NPRM) in the Federal Register on December 11, 2020, titled Roadway Workplace Safety soliciting comments on the proposed rule and its accompanying information collection requirements from the regulated community, the general public, and interested parties.[11]

FRA received two comments in response to the NPRM, both supportive of the NPRM's proposals.

The Association of American Railroads and the American Short Line and Regional Railroad Association jointly filed a comment concurring with both NPRM proposals. Regarding FRA's proposal to revise § 214.322, the joint comment stated: "Standards incorporated by reference pose challenges both for railroads and regulators alike as they often quickly become outdated. FRA's approach [in the NPRM] does not substantively

[10] 87 FR 15137.
[11] 85 FR79973.

change the electronic authentication technology that can be used by railroads and avoids the need for unnecessary waivers from obsolete standards."

The second comment, from a member of the public, expressed support for the NPRM's proposals, noting that the proposals would allow for the utilization of new technology and improve safety.

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 rulemaking.

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.

No sensitive information is requested.

12. Estimate of burden hours for information collected.

The PRA estimates for the respondent universe, annual responses, and average time per responses are based on the experience and expertise of FRA's Rail Integrity Division.

FRA is also including the dollar equivalent cost for each of the itemized hours below using the Surface Transportation Board's (STB) Full-Year Wage A&B data series as the basis for each cost calculation. For Professional/Administrative staff, this cost amounts to $77 per hour. For Maintenance of Way and Structure employees, this cost amounts to $58 per hour. All cost estimates include 75% overhead.

CFR Section/Subject	Respondent universe	Total annual responses	Average time per responses	Total annual burden	Total cost equivalent (D) = C *	Section Analyses and Estimates

		(A)	(B)	hours (C) = A * B[12]	wage rate	
Form FRA F 6180.119—Part 214 Railroad Workplace Safety Violation Report	350 Safety Inspectors	129 forms	4 hours	516 hours	$29,412	FRA Federal and State inspectors enforce compliance with part 214. In order to do this, they obtain information from the railroads and railroad workers. Violations of workplace safety are reported on the above form. It is estimated that it will take approximately four (4) hours to complete each violation report form.
214.307(a)—Railroad on-track safety programs—RR programs that comply with this part + copies at system/division headquarters	746 railroads	276 programs + 325 copies	2 hours + 2 minutes	563 hours	$42,788	The on-track safety program shall be retained at a railroad's system headquarters and division headquarters, and shall be made available to representatives of the FRA for inspection and copying during normal business hours. Additionally, on-track safety program copies will be retained by railroads. It is estimated that it will take approximately two (2) hours to develop each on-track safety program and approximately two (2) minutes to retain the on-track safety program at the railroad's system headquarters and division headquarters.
—(b) RR notification to FRA not less than one month before on-track safety program takes effect	746 railroads	276 notices	20 minutes	92 hours	$6,992	Each railroad shall notify, in writing, the Associate Administrator for Safety, and Chief Safety Officer, Federal Railroad Administration, RRS-15, 1200 New Jersey Avenue, SE, Washington, DC 20590, not less than one month before its on-track safety program becomes effective. The notification shall include the effective date of the program and the name, title, address and telephone number of the primary person to be contacted with regard to review of the program. This notification procedure shall also apply to subsequent changes to a railroad's on-track safety program. It is estimated that it will take approximately 20 minutes to complete each notification and send it to FRA.
—(c) RR amended on-track safety programs after FRA disapproval	746 railroads	1 program	4 hours	4 hours	$304	Upon review of a railroad's on-track safety program, the FRA Associate Administrator for Railroad Safety and Chief Safety Officer may, for cause stated, disapprove the program. Notification of such disapproval shall be made in writing and specify the basis for the disapproval decision. It is estimated that it will take approximately four (4) hours to

[12] Totals may not add due to rounding

						amend each on-track safety program and send it to FRA.
—(c) RR written response in support of disapproved program	746 railroads	1 written response	20 hours	20 hours	$1,520	Additionally, FRA estimates that it will take each railroad approximately 20 hours to complete the written response in support of its program and send it to FRA.
214.309(a)-(b) —On-track safety manual	The railroads have fulfilled this requirement.					
—(c) RR publication of bulletins/notices reflecting changes in on-track safety manual	60 railroads	100 bulletins/ notices	60 minutes	100 hours	$7,600	Changes to the on-track safety manual may be temporarily published in bulletins or notices. Such publications shall be retained along with the on-track safety manual until fully incorporated into the manual. It is estimated that it will take about 60 minutes to complete each bulletin/notice and provide it to affected roadway workers.
214.311—RR written procedure to achieve prompt and equitable resolution of good faith employee challenges	19 railroads	5 developed procedures	2 hours	10 hours	$760	Each employer must have in place a written procedure to achieve prompt and equitable resolution of challenges made in accordance with §§ 214.311(b) and 214.313(d)). These procedures will be written and become part of the on-track safety program. It is estimated that it will take each new short line railroad approximately two (2) hours to modify the generic plan.
214.313—Responsibility of individual roadway workers	There is no record required under this provision. Consequently, there is no burden associated with it.					
214.315 and 214.335—Supervision and communication.	The associated burdens related to job briefings, were appropriately addressed when FRA calculated the economic costs of the regulation.					
214.317—On-track safety procedures, generally, for snow removal, weed spray equipment, tunnel niche or clearing by	19 railroads	5 operating procedures	2 hours	10 hours	$760	(a) Each employer subject to the provisions of this Part shall provide on track safety for roadway workers by adopting a program that contains specific rules for protecting roadway workers that comply with the provisions of §§214.319 through 214.337. *The burden for on track safety programs is included under that of § 214.307.* (c)(1) Each railroad must establish and comply with an operating procedure for on-track snow removal and weed spray equipment. It is estimated that it will take approximately two (2) hours to develop each operating procedure.

214.318—Procedures established by railroads for workers to perform duties incidental to those of inspecting, testing, servicing, or repairing rolling equipment	746 railroads	19 rules/ procedures	2 hours	38 hours	$2,888	A railroad utilizing Blue Signal Protection in lieu of the requirements of this Subpart must have rules in effect governing the applicability of those protections to the incidental duties being performed. It is estimated that it will take approximately two (2) hours to develop the required rules.
214.319—Working limits, generally	The PRA requirements under paragraphs (a) and (b) have been fulfilled by railroads. FRA estimates that there will be zero (0) requests sent to FRA under paragraph (c).					
214.320—Roadway maintenance machines movement over signalized non-controlled track—RR request to FRA for equivalent level of protection to that provided by limiting all train and locomotive movements to restricted speed	746 railroads	5 requests	4 hours	20 hours	$1,520	This section applies unless the railroad's operating rules protect the movements of roadway maintenance machines in a manner equivalent to that provided for by limiting all train and locomotive movements to restricted speed, and such equivalent level of protection is first approved in writing by FRA's Associate Administrator for Railroad Safety and Chief Safety Officer. It is estimated that it will take approximately four (4) hours to complete each request for approval and send it to FRA.
214.321—Exclusive track occupancy	The associated burdens related to job briefings, were appropriately addressed when FRA calculated the economic costs of the regulation.					
214.322—Exclusive track occupancy, electronic display—Written authorities/printed authority copy if electronic display fails or malfunctions	3 Class I Railroads	1,000 written authorities	10 minutes	167 hours	$9,519	(a) While it is in effect, all the contents of an authority electronically displayed shall be readily viewable by the roadway worker in charge that is using the authority to provide on-track safety for a roadway work group. (b) If the electronic display device malfunctions, fails, or cannot display an authority while it is in effect, the roadway worker in charge shall either obtain a written or printed copy of the authority in accordance with § 214.321 (except that on-track roadway maintenance machine movements and hi-rail movements must stop), or establish another form of on-track safety without delay. It is estimated that it will take approximately 10 minutes to receive either a written or printed copy of the authority. (c) All authorized users of an electronic display system shall be uniquely identified to support individual accountability. *According to FRA's roadway worker program specialist,*

						railroads are already doing this requirement on their own. (d) All authorized users of an electronic display system must be authenticated prior to being granted access to such system. *According to FRA's roadway worker program specialist, railroads are already doing this requirement on their own.* (e) The integrity of all data must be ensured during transmission/reception, processing, and storage. *According to FRA's roadway worker program specialist, railroads already do this automatically.* (h) New electronic display systems implemented after July 1, 2017, shall provide Level 3 assurance as defined by NIST Special Publication 800-63-2, Electronic Authentication Guideline, "Computer Security," August 2013. Systems implemented prior to July 1, 2017, shall provide Level 2 assurance. *FRA estimates that approximately zero (0) requests to inspect copies of the NIST publication at FRA or NARA will be made under this requirement.*
214.323—Foul time	This requirement corresponds with current practice in the railroad industry, and is not considered an additional requirement of this regulation.					
214.325—Train coordination	The associated burdens related to job briefings, were appropriately addressed when FRA calculated the economic costs of the regulation.					
214.329—Train approach warning—Written designation of watchmen/lookouts	746 railroads	26,250 designations	30 seconds	219 hours	$16,644	(f) Every roadway worker who is assigned the duties of a watchman/lookout shall first be trained, qualified and designated in writing by the employer to do so in accordance with the provisions of §214.349. It is estimated that each written designation will take approximately 30 seconds to complete.
214.333—Informational line-ups of trains	The burden is accounted for under § 214.305.					
214.336—Procedures for adjacent track movements over 25 mph: notifications/ watchmen/ lookout warnings	100 railroads	10,000 notices	5 seconds	14 hours	$798	(b) Procedures for adjacent-controlled-track movements over 25 mph. It is estimated that it will take approximately five (5) seconds to make each notification/watchman lookout warning.

						Note: Any burden associated with § 214.319, and § 214.329 are included in the above burden.
—Procedures for adjacent track movements 25 mph or less: notifications/watchmen/ lookout warnings	100 railroads	3,000 notices	5 seconds	4 hours	$228	(c) Procedures for adjacent-controlled-track movements 25 mph or less. It is estimated that it will take approximately 5 seconds to make each notification/watchman lookout warning. *Note: Any burden associated with § 214.319, and § 214.329 are included in the above burden.*
214.337—On-track safety procedures for lone workers	The burden is accounted for under on-track safety programs/procedures.					
214.339—Audible warning from trains: written procedures that prescribe effective requirements for audible warning by horn and/or bells for trains	19 railroads	19 written procedures	4 hours	76 hours	$5,776	(a) Each railroad shall have in effect and comply with written procedures that prescribe effective requirements for audible warning by horn and/or bell for trains and locomotives approaching any roadway workers or roadway maintenance machines that are either on the track on which the movement is occurring, or about the track if the roadway workers or roadway maintenance machines are at risk of fouling the track. It is estimated that it will take approximately four (4) hours to complete each written procedure.
214.343/345/347/349/351/353/355—Annual training for all roadway workers (RWs)—Records of training	50,000 roadway workers	50,000 records	2 minutes	1,667 hours	$126,692	Training and qualification for all roadway workers, lone workers, watchmen/lookouts, and flagmen. It is estimated that it will take approximately two (2) minutes per employee to keep a written or electronic record of their qualifications.
214.503—Notifications for non-compliant roadway maintenance machines or unsafe condition	50,000 roadway workers	125 notices	10 minutes	21 hours	$1,197	An employee operating an on-track roadway maintenance machine or hi-rail vehicle must inform the employer whenever the employee makes a good faith determination that the machine or vehicle does not comply with FRA regulations, or has a condition that inhibits its safe operation. It is estimated that it will take approximately 10 minutes to make each notification/communication to the employer.
— Resolution procedures	19 railroads/ contractors	5 procedures	2 hours	10 hours	$760	Each employer must have in place and follow written procedures to assure prompt and equitable resolution of challenges resulting from good faith determinations made in accordance with this section. It is estimated that it will take approximately two (2) hours to

						develop each resolution procedure.
214.505 Required environmental control and protection systems for new on-track roadway maintenance machines with enclosed cabs	746/200 railroads/ contractors	500 lists	1 hour	500 hours	$38,000	An employer must maintain a list of new and designated existing on-track roadway maintenance machines of the types listed in paragraph (a)(1) through (a)(5) of this section, or functionally equivalent thereto. The list must be kept current and made available to the Federal Railroad Administration and other Federal and State agencies upon request. It is estimated that it will take approximately one (1) hour to develop/compile each list.
— Designations/additions to list	692/200 railroads/ contractors	150 additions/ designations	5 minutes	13 hours	$988	An existing roadway maintenance machine of the types listed in paragraphs (a)(1) through (a)(5) of this section, or functionally equivalent thereto, becomes “designated” when the employer adds the machine to the list required in paragraph(c) of this section. It is estimated that it will take approximately five (5) minutes to designate each roadway maintenance machine.
— Stenciling or marking of remotely operated roadway maintenance machine (**New requirement**)	30 remotely operated machines	10 stencils /displays	5 minutes	1 hour	$57	(i)(4) Each drone roadway maintenance machine must be clearly identified by stenciling, marking, or other written notice in a conspicuous location on the machine indicating the potential hazards of the machine being operated from a distance or that the machine may move automatically. It is estimated that it will take approximately five (5) minutes to designate each roadway maintenance machine.
214.507—A-Built Light Weight on new roadway maintenance machines	692/200 railroads/ contractors	1,000 stickers/ stencils	5 minutes	83 hours	$4,731	Each new on-track roadway maintenance machine must have its as-built light weight displayed in a conspicuous location on the machine. It is estimated that it will take approximately five (5) minutes to display a sticker or stencil on each machine indicating its as-built light weight in a conspicuous location.
214.511—Required audible warning devices for new on-track roadway maintenance machines.	692/200 railroads/ contractors	3,700 identified mechanisms	5 minutes	308 hours	$17,556	Each new on-track roadway maintenance machine must be equipped with: (1) A horn or audible warning device that produces a sound loud enough to be heard by roadway workers and other machine operators within the immediate work area. The triggering mechanism for the device must be clearly identifiable and within easy reach of the machine operator; and (2) An automatic change-of-direction alarm which provides an audible signal that is at least three seconds long and is distinguishable from the surrounding noise.

						It is estimated that it will take approximately five (5) minutes to identify each triggering mechanism.
214.515—Overhead covers for existing on-track roadway maintenance machines.	692/200 railroads/ contractors	500 requests + 500 responses	10 minutes + 20 minutes	250 hours	$17,423	For those existing on-track roadway maintenance machines that are not already equipped with overhead covers for the operator's position, the employer shall evaluate the feasibility of providing an overhead cover on such a machine if requested in writing by the operator assigned to operate that machine or by the operator's designated representative. It is estimated that each written request by operators or their representatives will take approximately 10 minutes to complete. Further, it is estimated that each response will take approximately 20 minutes to complete.
214.517—Retrofitting of existing on-track roadway maintenance machines manufactured on or after Jan. 1, 1991	692/200 railroads/ contractors	500 stencils/ displays	5 minutes	42 hours	$2,394	Each existing on-track roadway maintenance machine manufactured on or after January 1, 1991, must have the following: (1) A change-of-direction alarm or rearview mirror or other rearward viewing device… (6) A turntable restraint device, on machines equipped with a turntable, to prevent undesired lowering, or a warning light indicating that the turntable is not in the normal travel position. It is estimated that it will take approximately five (5) minutes to stencil or clearly mark each existing on-track roadway machine.
214.523—Hi-rail vehicles	692/200 railroads/ contractors	5,000 records	5 minutes	417 hours	$23,769	The employer must retain the record of each inspection until the next required inspection is performed. The records must be available for inspection and copying during normal business hours by representatives of FRA and States participating under Part 212 of this chapter. The records may be kept on the hi-rail vehicle or at a location designated by the employer. It is estimated that it will take approximately five (5) minutes to complete each hi-rail vehicle safety inspection and record the results, either electronically or in writing.
— Non-complying conditions	692/200 railroads/ contractors	500 tags + 500 reports	10 minutes + 15 minutes	208 hours	$11,856	A non-complying condition that cannot be repaired immediately must be tagged and dated in a manner prescribed by the employer and reported to the designated official. It is estimated that it will take approximately 10 minutes to complete each tag and an additional 15 minutes to complete

						each report to the designated official.
214.527—Inspection for compliance—Repair schedules	692/200 railroads/ contractors	550 tags + 550 reports	5 minutes + 15 minutes	183 hours	$10,431	Any non-complying condition that cannot be repaired immediately must be tagged and dated in a manner prescribed by the employer and reported to the designated official. It is estimated that it will take the operator approximately five (5) minutes to check the machine components for compliance with this subpart and complete the tag. Further, it is estimated that it will take an additional 15 minutes to complete each report to the designated official.
214.533—Schedule of repairs—Subject to availability of parts.	692/200 railroads/ contractors	250 records	15 minutes	63 hours	$4,788	(d) Each employer must maintain records pertaining to compliance with this section. Records may be kept on forms provided by the employer or by electronic means. The employer must retain each record for at least one year, and the records must be available for inspection and copying during normal business hours by representatives of FRA and States participating under Part 212 of this chapter. The records may be kept on the on-track roadway maintenance machine or hi-rail vehicle or at a location designated by the employer. It is estimated that it will take approximately 15 minutes to complete each record.
Totals	746 railroads	105,751 responses	N/A	5,619 hours	$388,151	

13. Estimate of total annual costs to respondents.

Listed below are the costs associated with the information collection requirements of Subpart C:

$5	Letters/documents to FRA (1 letter/document@ $5.00 per document to cover postage, paper, and envelopes)
$250	Printing and other related expenses for required program manuals for 5 new start-up Class III railroads (@ $50 per manual)
$200,000	Miscellaneous costs
$200,255	Total cost

Additionally, under the new requirement § 214.505, FRA estimates that 10 roadway maintenance machine drones will require stickers to be properly labeled to ensure roadway workers will know the machines are controlled remotely. Thus, FRA estimates the cost to respondents will be $100 annually (10 roadway machines x 2 stickers on each side of the drone x $5 per sticker).

Overall, the cost to respondents has increased by $100 from $200,255 to $200,355 due to program change.

14. Estimate of Cost to Federal Government.

Except for some minimal training costs for FRA safety inspectors who will have to monitor silica dust exposure inside the cabs of roadway maintenance machines and hi-rail vehicles under the new Subpart D, FRA estimates no additional costs.

15. Explanation of program changes and adjustments.

Currently, the OMB inventory for this collection of information shows a total annual burden of 6,359 hours and 106,482 responses, while this updated submission reflects a total annual burden of 5,619 hours and 105,751 responses. The change in burden is due both to a program change (an increase) and one adjustment (a decrease). Overall, the adjustments decreased the annual burden by 740 hours and 731 responses.

FRA provided a thorough review of this package and determined the burden associated with the on-track safety manual, under § 241.309(b), has been fulfilled. The tables below provide the specifics on any burden estimates that have changed from the previous submission.

Table for Program Change

CFR Section	Total Annual responses (Previous)	Total Annual responses (Requesting)	Adjustments	Total annual burden hours (Previous)	Total annual burden hours (Requesting)	Adjustments
214.505 – Stenciling or	0	10 stickers/ stencils	10 stickers/ stencils	0	1 hour	1 hour

marking of drone roadway maintenance machine (Revised requirement).						

Table for Adjustments

CFR Section	Total Annual responses (Previous)	Total Annual responses (Requesting)	Adjustments	Total annual burden hours (Previous)	Total annual burden hours (Requesting)	Adjustments	Section analyses and estimates
214.309(b) – On-track safety manual	741 provisions	0	-741 provisions	741 hours	0	-741 hours	The railroads have already completed this requirement. Consequently, there will no burden associated with this requirement.

Overall, the cost to respondents has increased by $100 from $200,255 to $200,355 due to program change.

16. Publication of results of data collection.

FRA does not have any plans to publish the results of this collection of information.

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

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

18. Exception to certification statement.

No exceptions are taken at this time.